



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: March 6, 2006
Comment Deadline: April 6, 2006
Corps Action ID #: 200533110

The Wilmington District, Corps of Engineers (Corps) has received an application from McKeough Land Company, Incorporated seeking Department of the Army authorization to impact Ann, Bearpen, Devils Hole, Rock and Toxaway Creeks and their unnamed tributaries associated with infrastructure road crossings within the proposed Round Mountain Falls Subdivision in Rosman, Transylvania County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: McKeough Land Company, Inc.
Attn: Mr. Andy Baker
208 Franklin Street
Grand Haven, Michigan 49417

Agent: Wetland Natural Resource Consultants, Inc.
Attn: Ms. Jennifer Robertson
Post Office Box 882
Canton, North Carolina 28716

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

The proposed Round Mountain Falls site is located at the end of Oscar Chappell Road, north of the North Carolina/South Carolina state line, south of Rosman, Transylvania County, North Carolina (35.0819418° N, -82.8472319° W). The property is approximately 819 acres. The site contains wetlands as determined by the USACE 1987 Wetland Delineation Manual that are adjacent to several jurisdictional streams on site. There are five named streams (Ann, Bearpen,

Devils Hole, Rock, and Toxaway Creeks) on the property and their unnamed tributaries. All of these channels are located within the Savannah River Basin. The Savannah River is navigable in fact.

Existing Site Conditions

The 816-acre tract is primarily forested with mixed hardwood stands of mixed age classes. Some areas have been recently timbered. Old home sites are also present on-site, though there are no remaining structures, only clearings. There is one grassed pasture on the site.

The wetlands on the site are characterized as wetland seeps and occupy less than two acres of the 819-acre tract. Vegetation within this area includes *Juncus spp.*, *Carex spp.*, *Urtica dioica*, and *Athyrium filix-femina*. Hydrology indicators for the wetlands include inundation, saturation, watermarks, and predominance of vegetation adapted to living in damp conditions. The wetlands are adjacent to the named and unnamed streams within the project area.

Streams on-site include ephemeral, intermittent, and perennial segments. Ephemeral stream segments were not considered jurisdictional and were not included in the impacts for this project. Toxaway Creek, in this area, is in excellent condition with a stable bed and bank, well-developed riffle pool complexes, and frequent, varied habitats. All intermittent and perennial stream channels exhibit an ordinary high water mark. The North Carolina Division of Water Quality has classified the named stream on this site as Class C, Trout.

A Nationwide Permit was issued for this project on December 16, 2005. This permit authorized 150 feet of permanent stream impacts, 480 feet of temporary stream impacts, and 0.0068 acres of permanent wetland impacts. Full development of the proposed plan necessitated additional impacts. The new proposed impacts are indicated below in the project description section.

Applicant's Stated Purpose

The applicant has proposed to construct a low-density, residential development in southern Transylvania County, North Carolina. Impacts to aquatic resources associated with this development would be incurred with the construction of road crossings and lot accesses (driveways).

Project Description

McKeough Land Company is proposing the construction of 42 infrastructure road crossings (40 jurisdictional stream crossings and 2 wetland crossings) and 10 driveway crossings as part of a residential development that would include 192 lots on the 816-acre site known as Round Mountain Falls. Of the 40 stream crossings for roads, 19 are perennial streams of which 8 crossings would result in no new impacts and 21 are intermittent of which 1 would result in no new impacts. All 10 driveway crossings would be new impacts. Four ephemeral channels

would be culverted for road crossings, but were not included in the impacts as they were not considered jurisdictional. Impacts proposed include 950 linear feet of stream and 0.0068 acre of wetlands. The 950 linear feet of stream impacts can be broken down into 451 linear feet of perennial stream and 499 linear feet of intermittent stream.

The applicant has minimized impacts by utilizing existing logging road infrastructure wherever possible in their plan. There is also an old state road that would be utilized to further reduce possible impacts. The pipe lengths have been minimized using boulder headwalls while maintaining a width necessary to meet the county subdivision ordinance. Bridges have been proposed for four of the crossing that occur at larger third order stream crossings. The plan includes upgrading one existing bridge and building three new bridges. No impacts to jurisdictional waters are proposed associated with bridge work.

Mitigation for the proposed project consists of preservation. Preservation for perennial stream impacts would be at a 40 to 1 ratio resulting in 18,040 linear feet of preserved stream. For intermittent channels, the ratio would be 10 to 1 resulting in 4990 linear feet. A 25-foot buffer would remain along both sides of the preserved streams except for 20-foot wide view corridors from each home and 4-foot wide primitive walking trails. A ground cover would be planted to prevented erosion in these areas. The applicant is currently revising the mitigation proposal to include restoration by the removal of existing culverts to compensate for impacts to perennial streams and to eliminate the 20-foot wide view corridors in the proposed restrictive covenants. The applicant requested that this public notice be issued before these revisions were completed.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by April 6, 2006.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently,

unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, April 6, 2006. Comments should be submitted to Angie Pennock, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801.

Round Mountain Channel Impact Summary Sheet For Phases 1-4

Road Crossing #		Existing Impact (linear feet)	Proposed Impact (linear feet)	New Impact (linear feet)	New Impact (sq. yards)
Phase 1					
1	perennial channel	23	80	57	3.17
2	perennial channel	26	35	9	1
3	perennial channel	35	35	0	0
4	intermittent channel	20	30	10	0.74
5	intermittent channel	20	29	9	0.50
6	perennial channel	25	24	0	0
7	perennial channel	30	30	0	0
9	intermittent channel	0	24	24	0.89
10	intermittent channel	20	30	10	0.37
11	intermittent channel	30	30	0	0
12	perennial channel	20	30	10	0.56
14	intermittent channel	20	30	10	0.19
15	intermittent channel	20	30	10	1.11
16	perennial channel	30	30	0	0
17	perennial channel	30	30	0	0
18	perennial channel	70	70	0	0
19	perennial channel	30	30	0	0
20	perennial channel	30	30	0	0
Phase 2					
21	ephemeral channel	0	30	0	0
22	perennial channel	15	36	21	0.78
23	perennial channel	0	bridge	0	0
24	perennial channel	0	36	36	2.00
25	perennial channel	0	36	36	8.00
26	perennial channel	0	36	36	5.33
27	intermittent channel	20	36	16	0.89
28	intermittent channel	0	36	36	2.67
29	ephemeral channel	20	30	0	0
30	ephemeral channel	0	36	0	0
31	intermittent channel	0	36	36	2.67
32	intermittent channel	0	36	36	2
33	intermittent channel	0	30	30	1.67
34	intermittent channel	0	30	30	1.11
Phase 3					
35	perennial channel	0	30	30	5.56
36	perennial channel	0	36	36	13.33
37	intermittent channel	0	36	36	1.33
38	intermittent channel	0	36	36	1.33
39	intermittent channel	0	36	36	1.33
40	intermittent channel	0	36	36	1.33
41	intermittent channel	20	36	16	0.59

Road Crossing #	Existing Impact (linear feet)	Proposed Impact (linear feet)	New Impact (linear feet)	New Impact (sq. yards)
Phase 4				
42 intermittent channel	20	36	16	0.59
43 intermittent channel	20	36	16	0.89
44 ephemeral channel	0	30	0	0
45 perennial channel		bridge	0	0
46 intermittent channel	0	30	30	1.11

Driveway Crossing #	Existing Impact (linear feet)	Proposed Impact (linear feet)	New Impact (linear feet)	New Impact (sq. yards)
All Phases				
A perennial channel	0	20	20	1.11
B intermittent channel	0	20	20	0.74
C perennial channel	0	20	20	1.48
D perennial channel	0	20	20	1.48
E perennial channel	0	20	20	3.70
F perennial channel	0	20	20	2.96
G perennial channel	0	20	20	2.96
H perennial channel	0	20	20	1.11
I perennial channel	0	20	20	2.22
J perennial channel	0	20	20	2.22

Total Impact to Intermittent Channels 499 24.06

Total Impact to Perennial Channels 451 58.98

Total Impact to Channels 950 83.04

Round Mountain Wetland Impact Summary Sheet For Phases 1-4

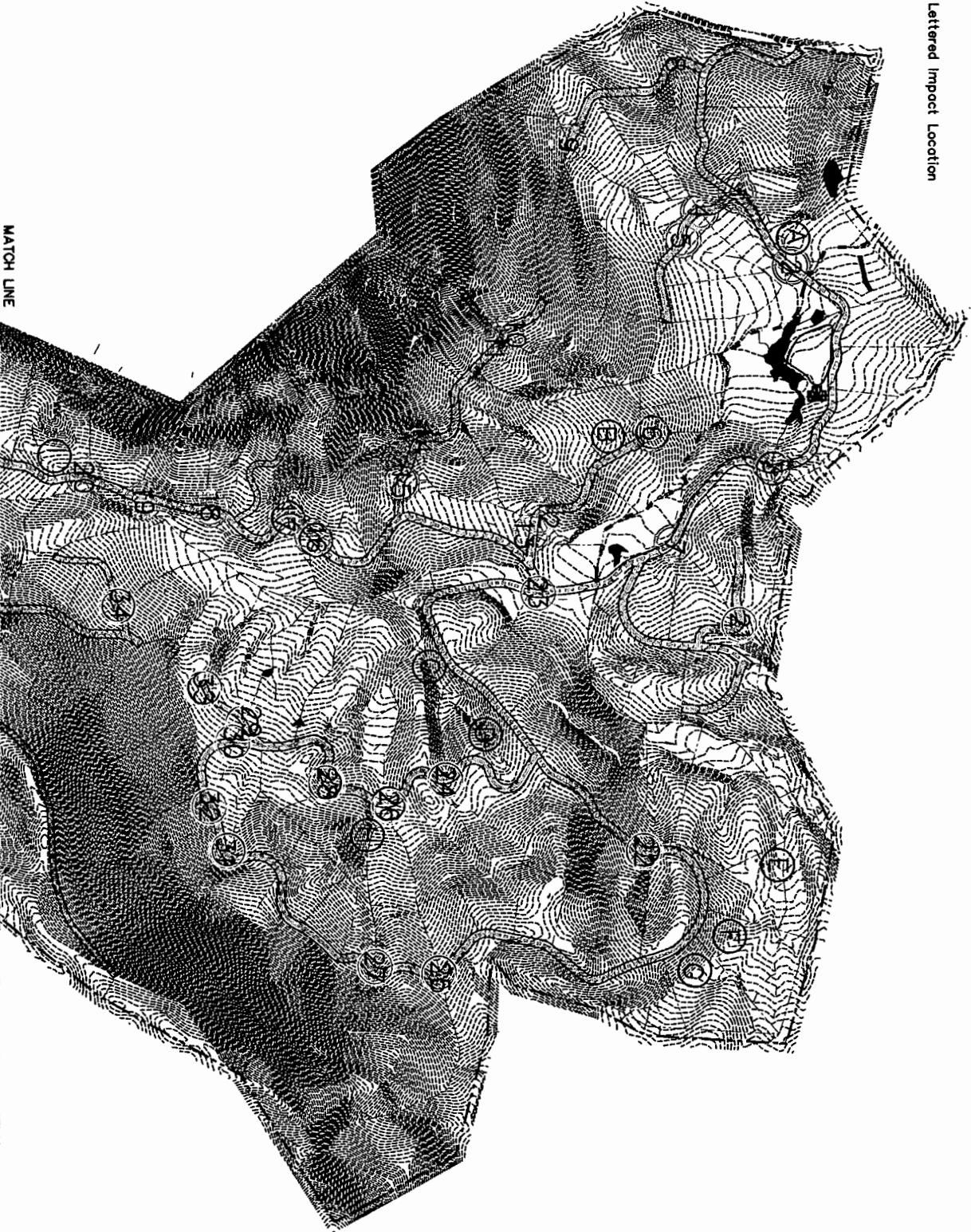
Road Crossing #	Existing Impact (acres)	Proposed Impact (acres)	New Impact (acres)
8 wetland	0	0.0041	0.0041
13 wetland	0.0018	0.0027	0.0009

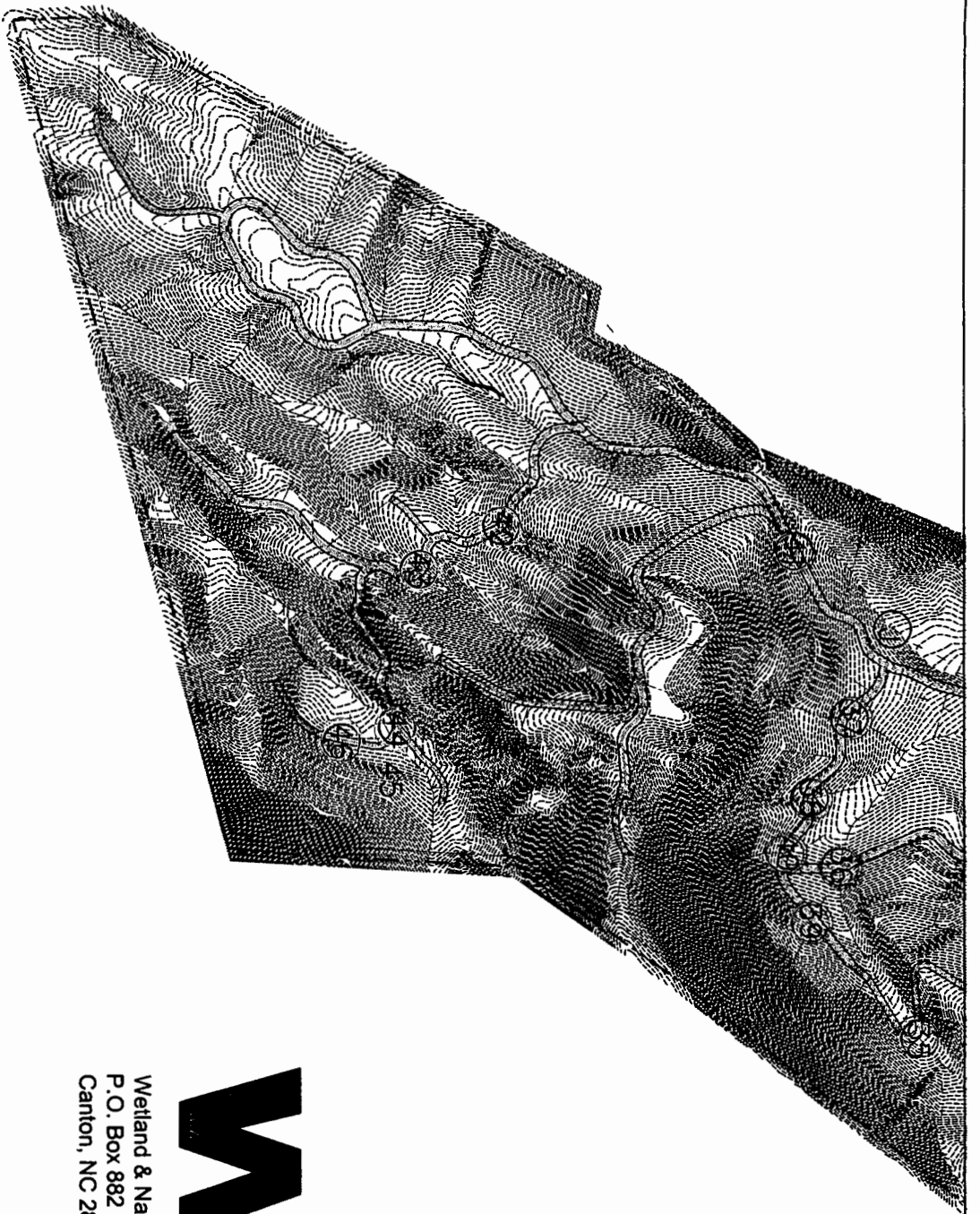
Total Impact 0.0068

Total New Impact 0.005

- Legend :**
- Index Contour
 - Intermediate Contour
 - Stream Channel
 - Proposed Road
 - Wetland
 - Numbered or Lettered Impact Location

Round Mountain Falls





MATCH LINE

WNR

Wetland & Natural Resource Consultants, Inc.
P.O. Box 882
Canton, NC 28716

Melrose Design Group, P.A.
Landscape Architecture
Land Planning
Environmental Design

56 White Oak Road
Arden, North Carolina 28704
Phone (828) 684-5155 Fax (828) 684-5156

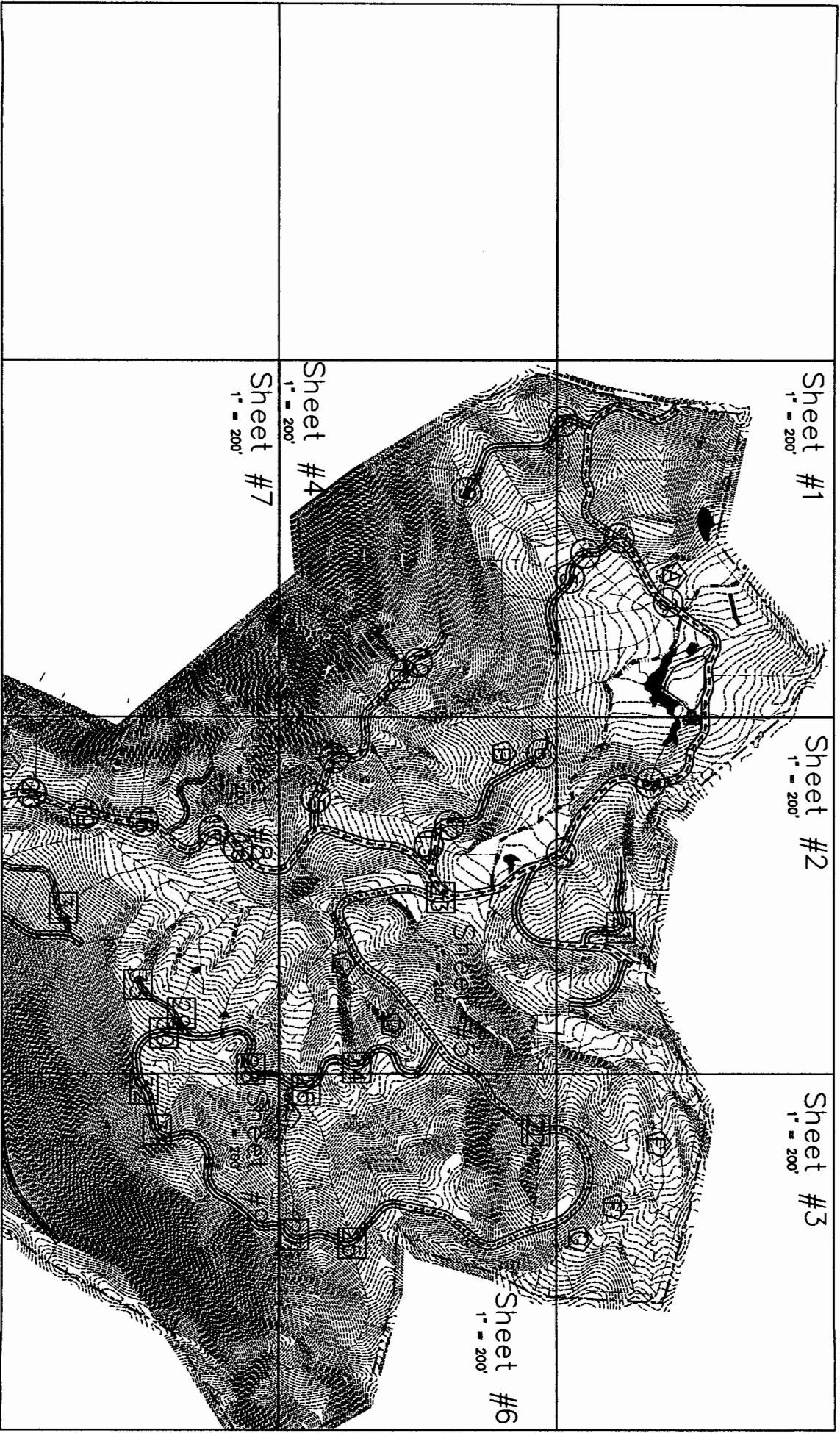


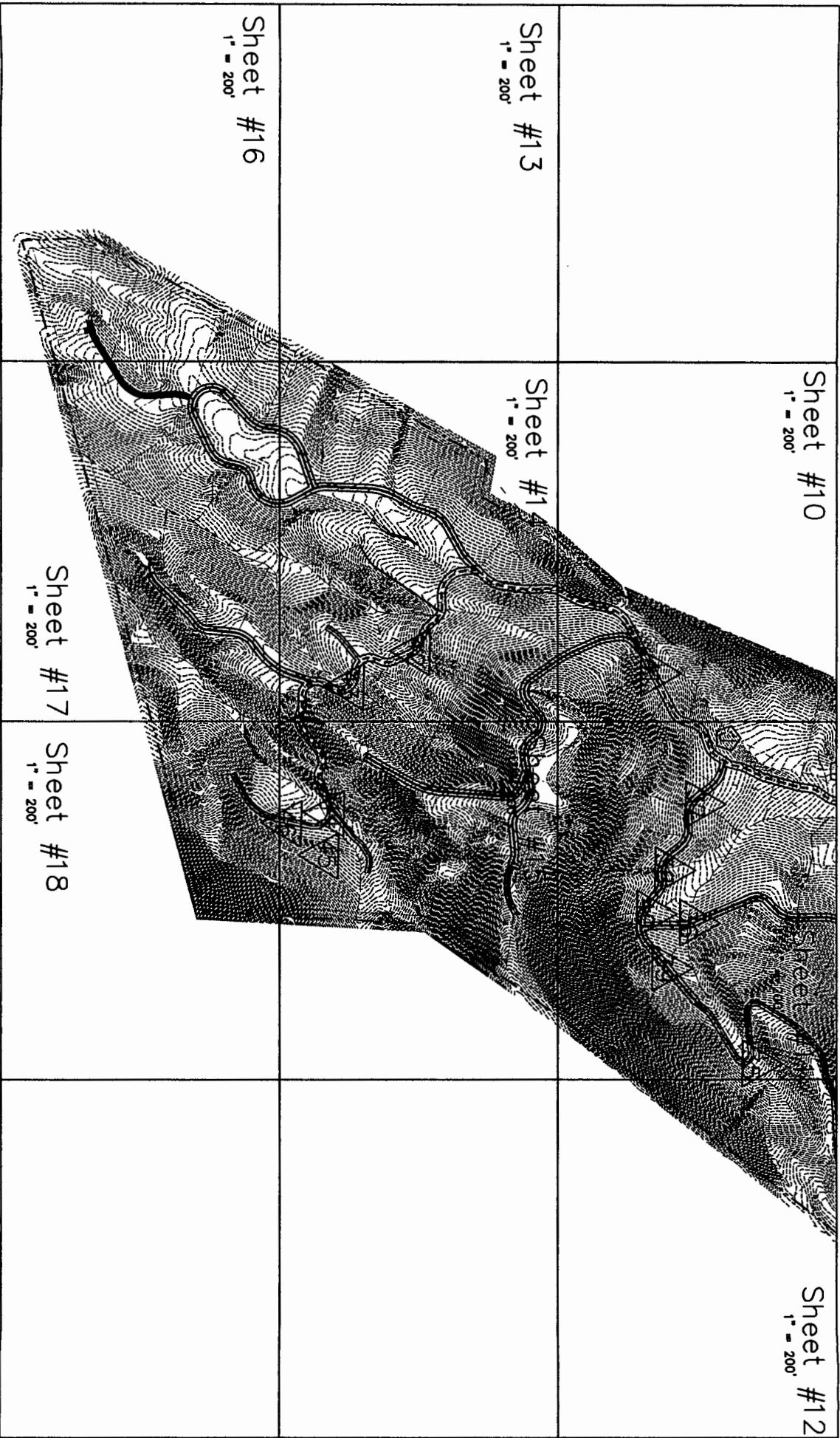
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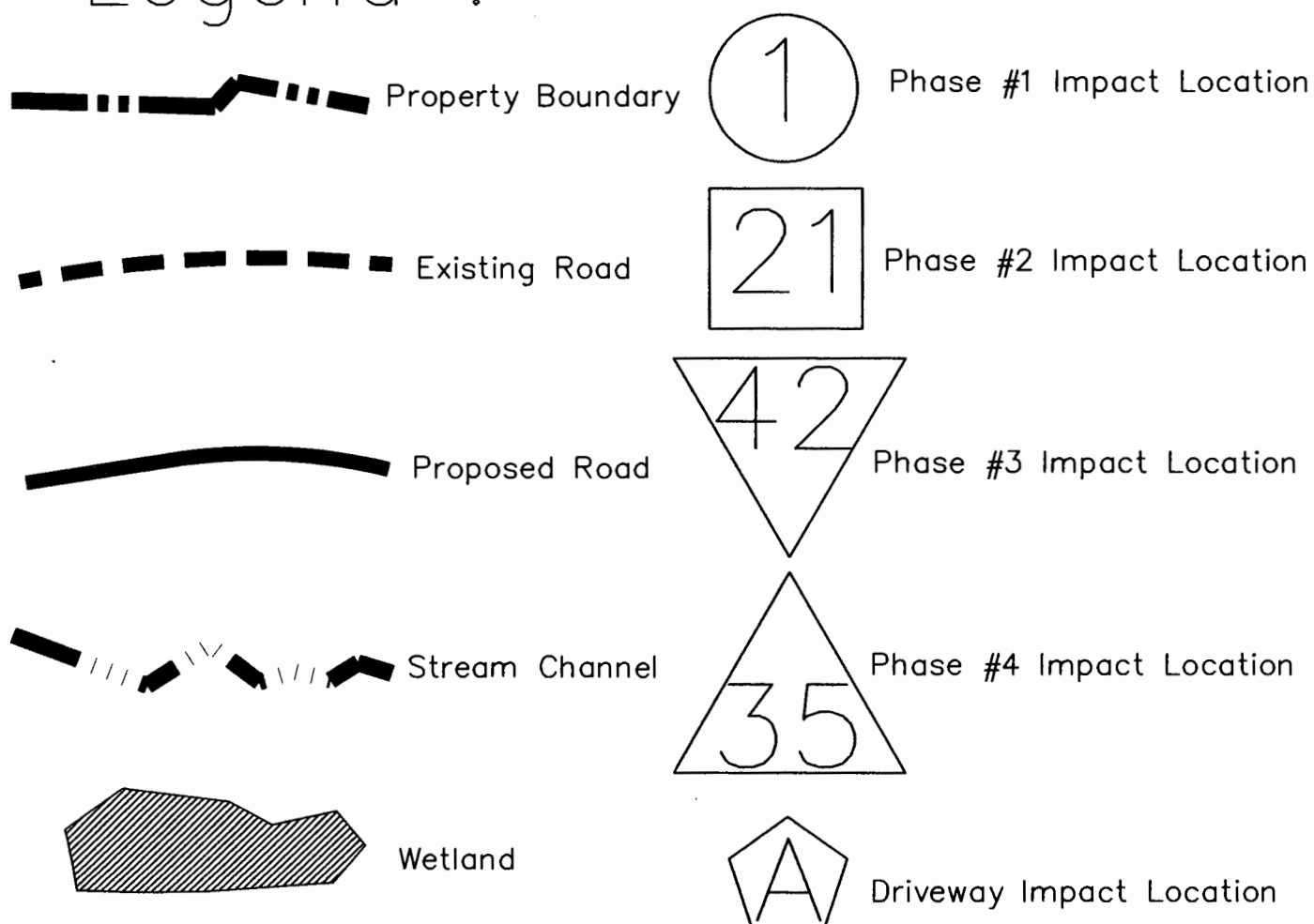
THIS PLAN ILLUSTRATES A GENERAL PLAN, WHICH IS SUBJECT TO FUTURE CHANGE AND REVISION. DIMENSIONS, BOUNDARIES, AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO BE EXACT.





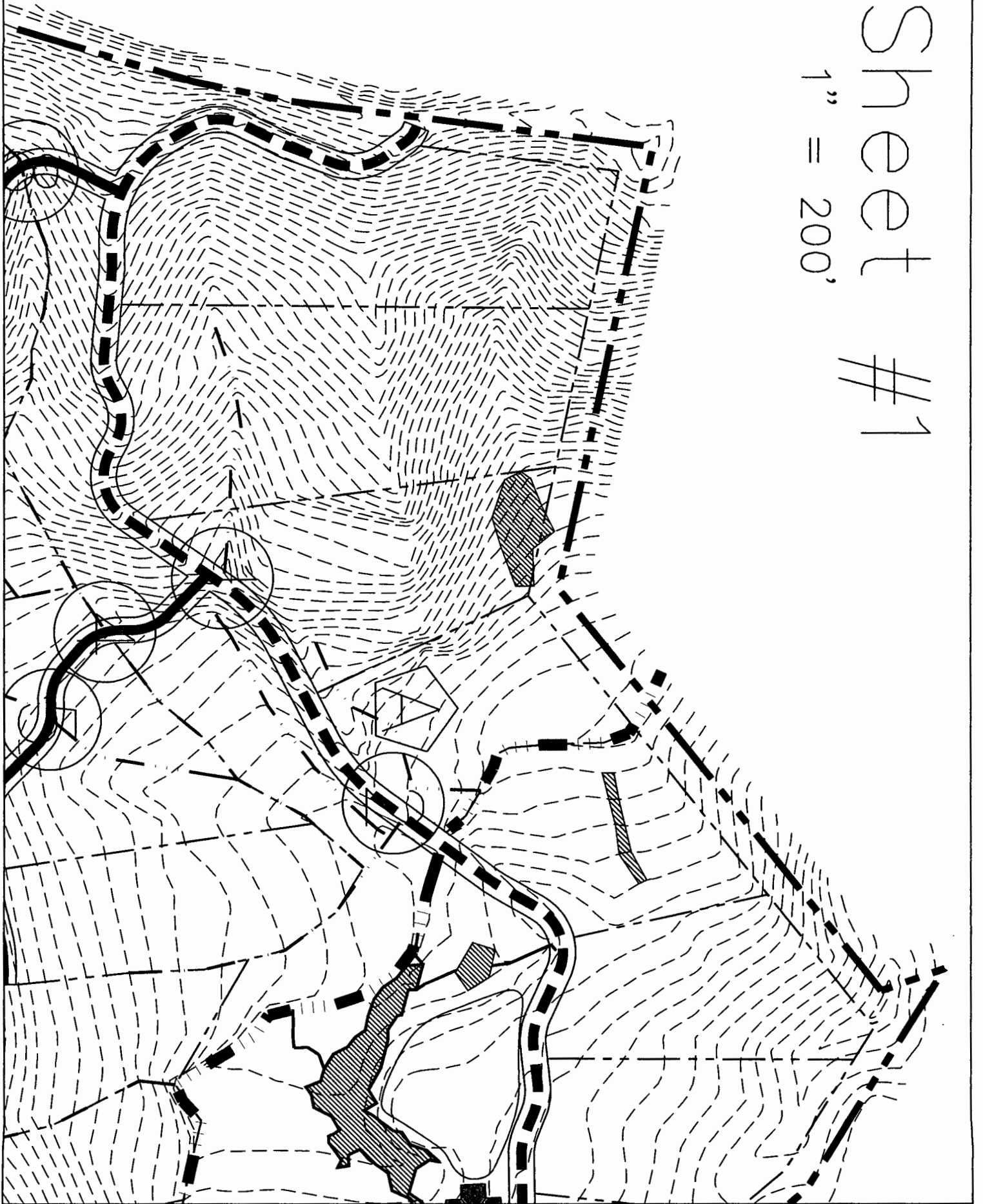
The following 8.5 X 11 maps represent the entire site. There are two copies of each map. Both copies show roads, streams, wetlands, and impact locations. One copy also shows topo and lot lines, the other copy does not. (See Impact Summary Sheet for stream classification and ammount of impact at each location.)

Legend :



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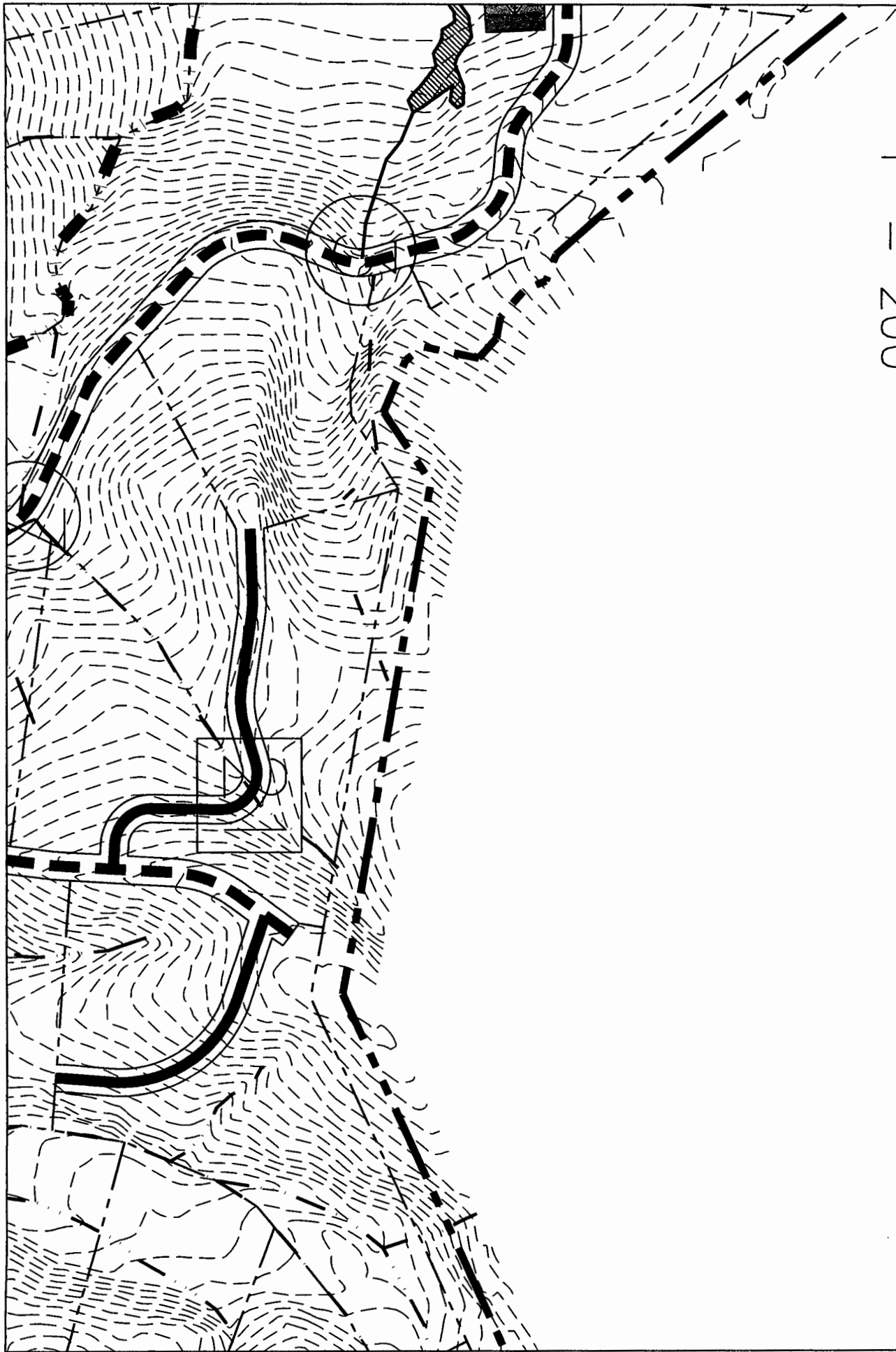
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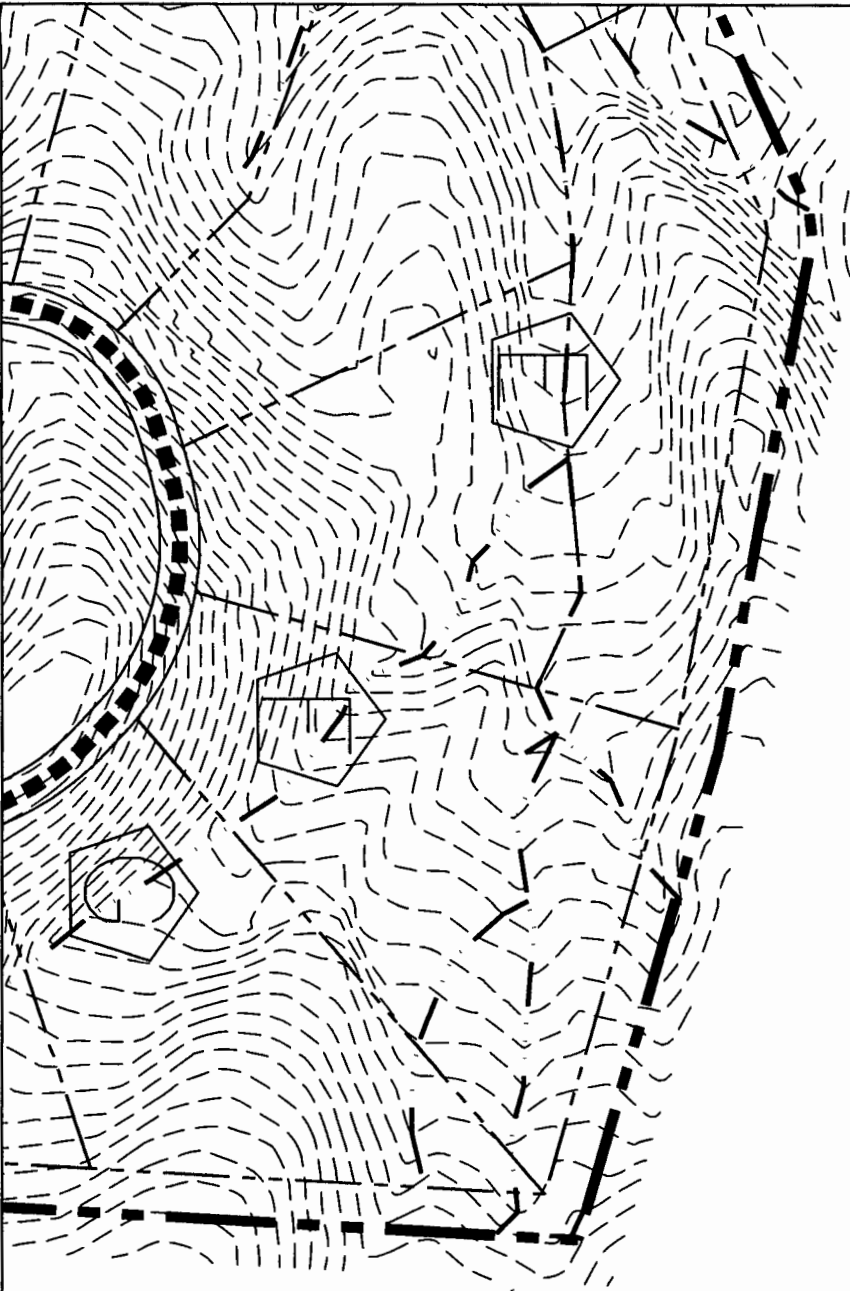
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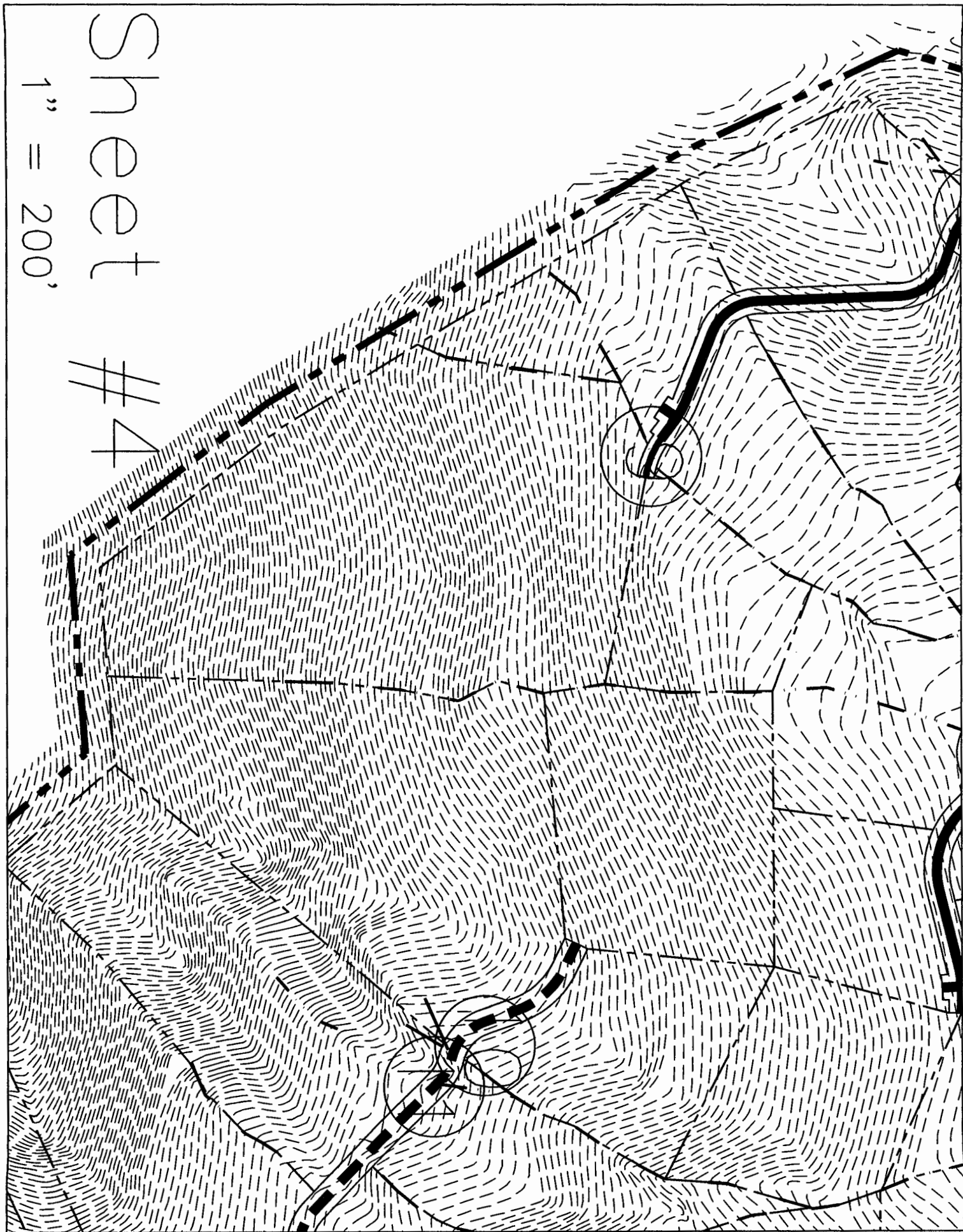
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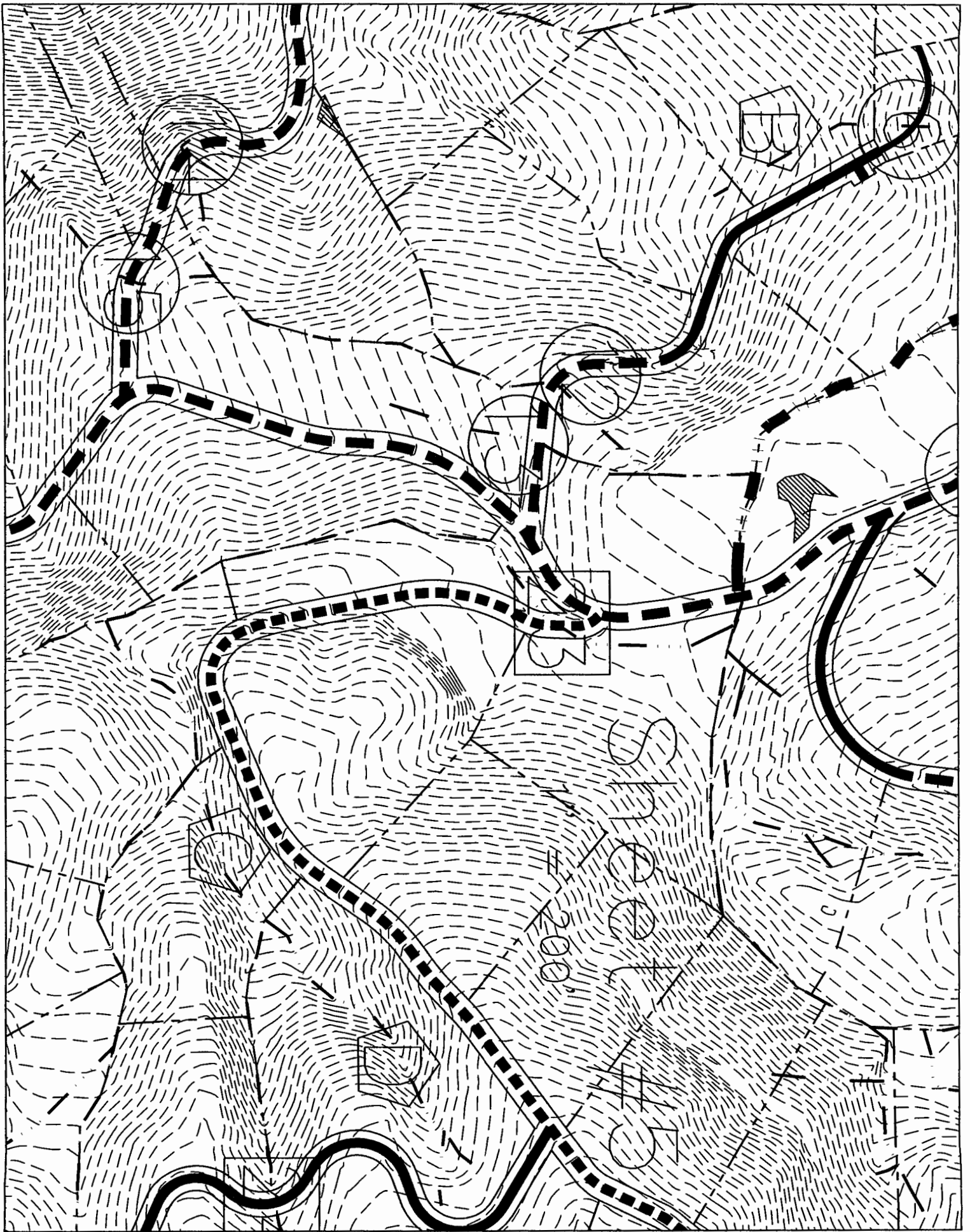
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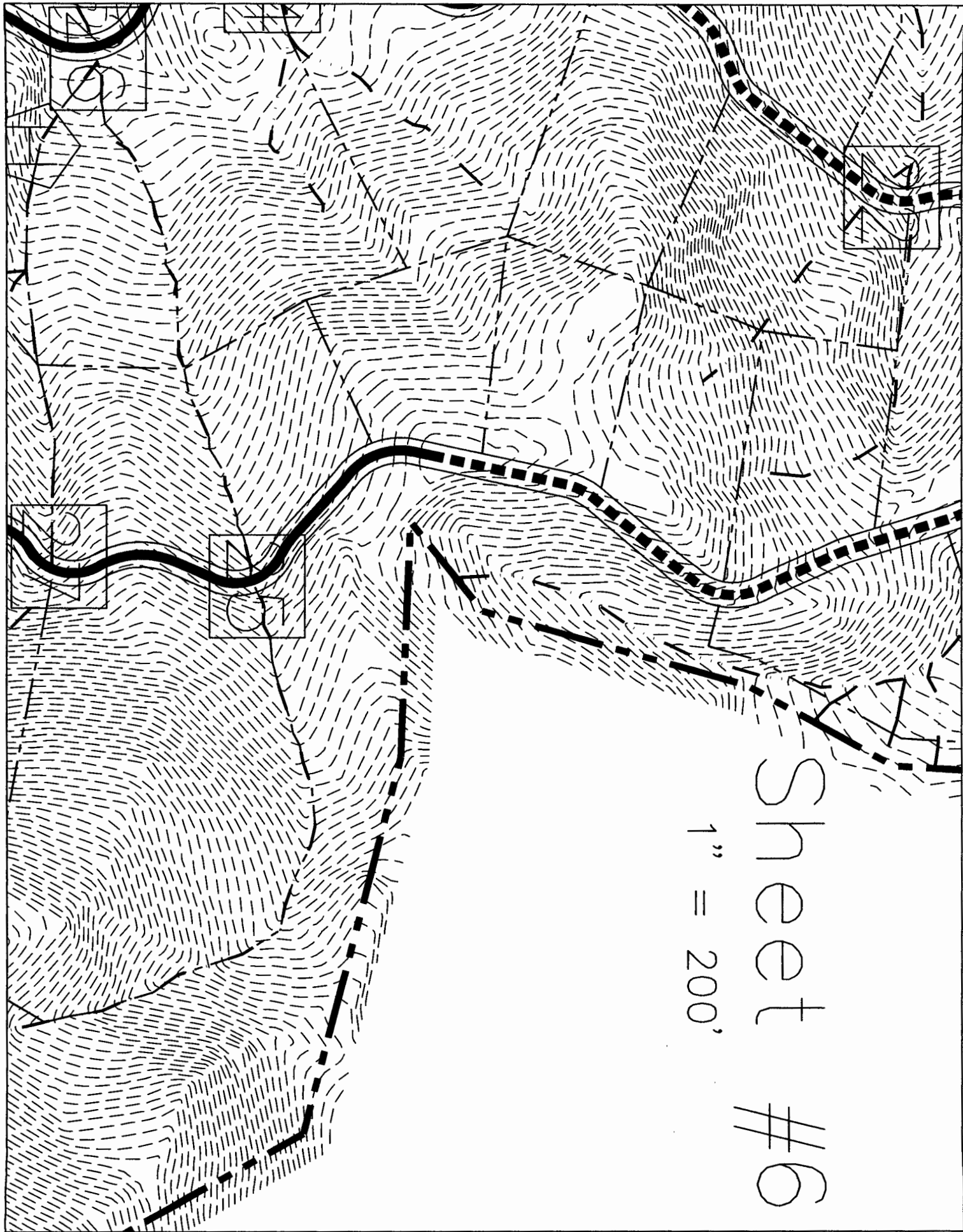
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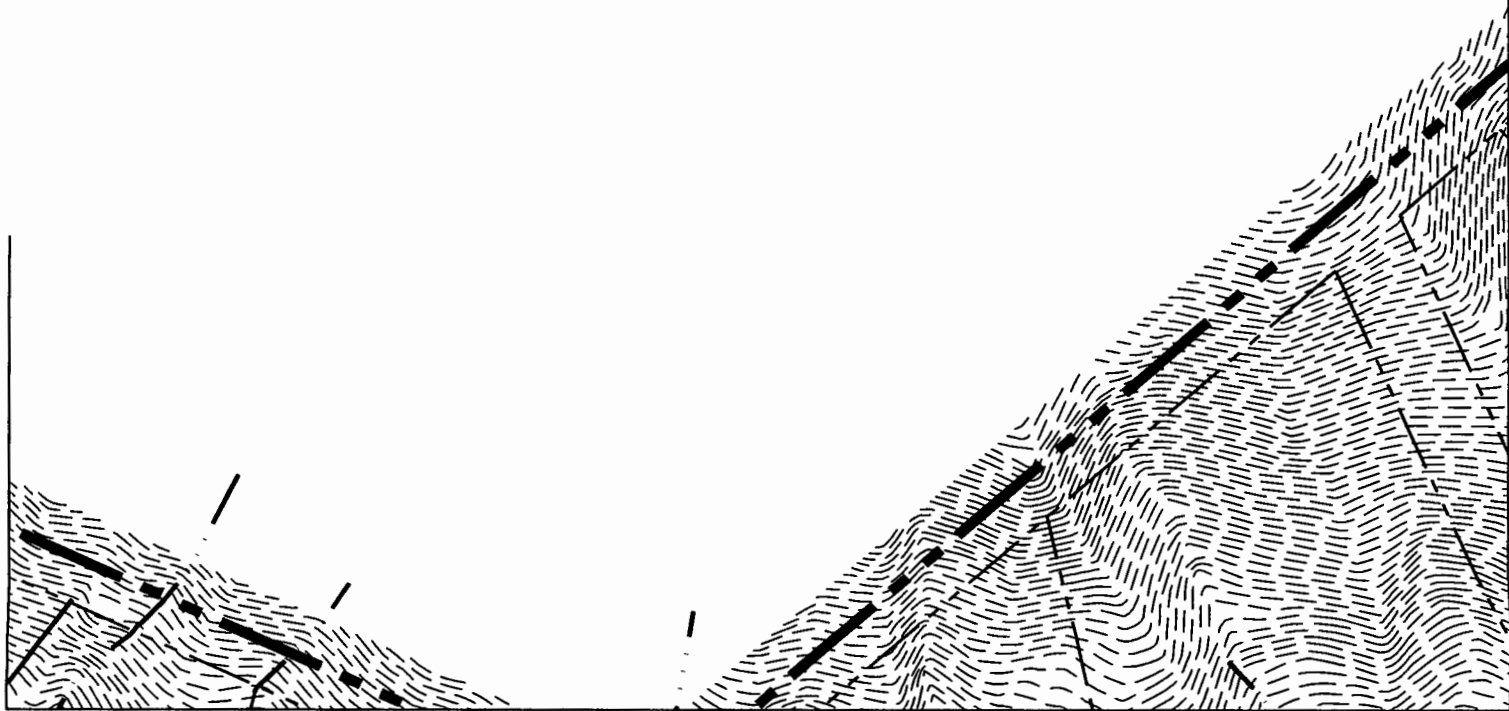
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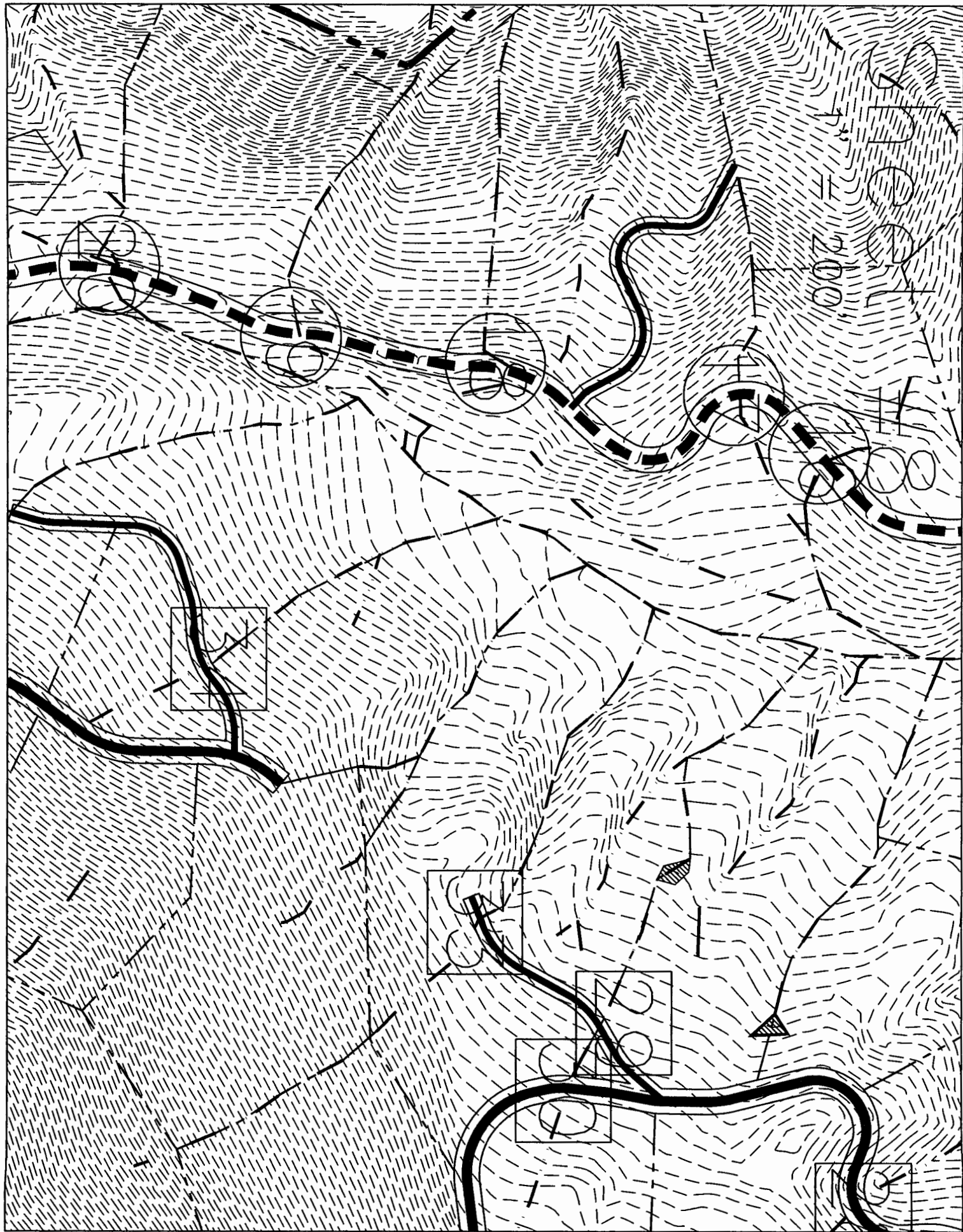
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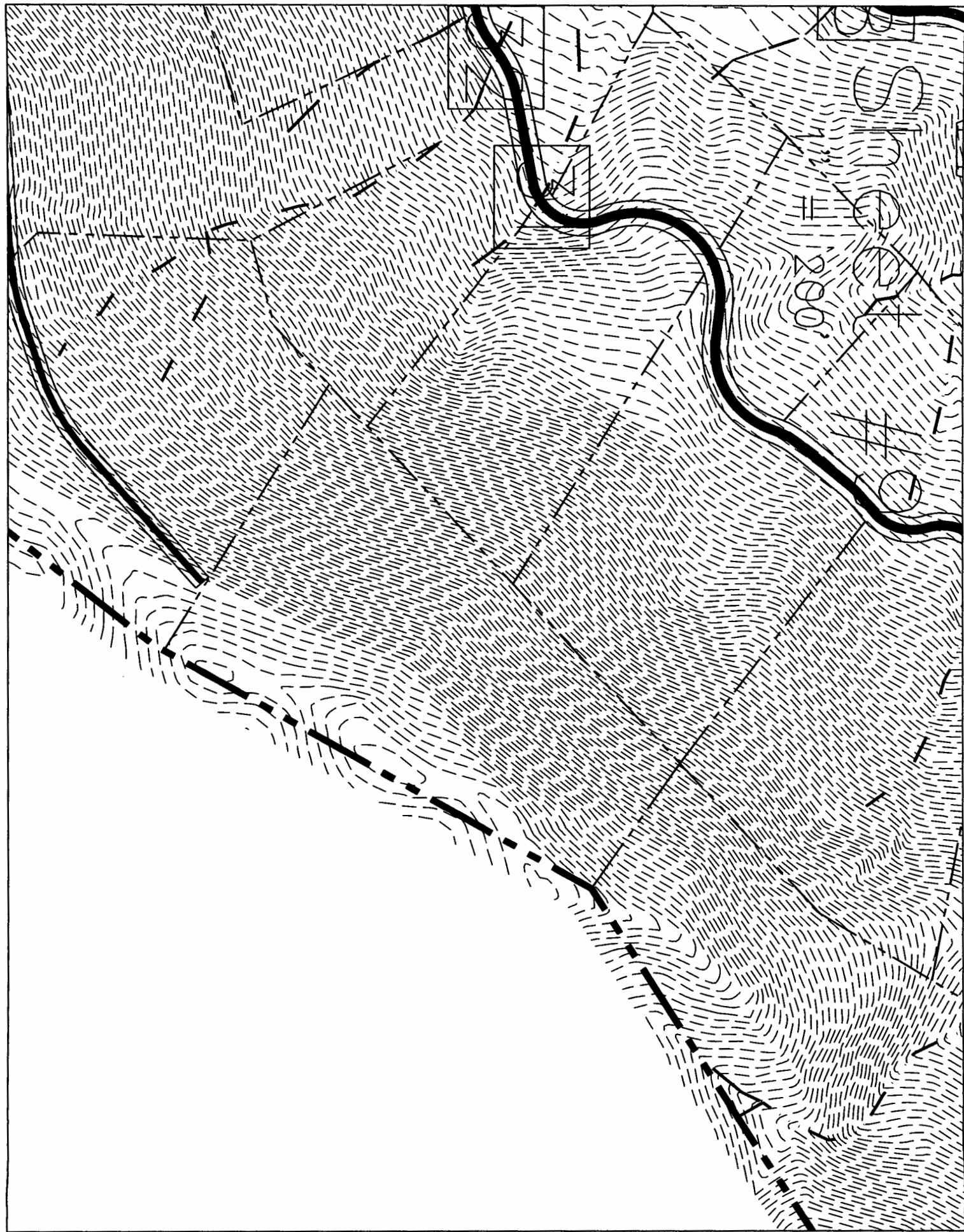
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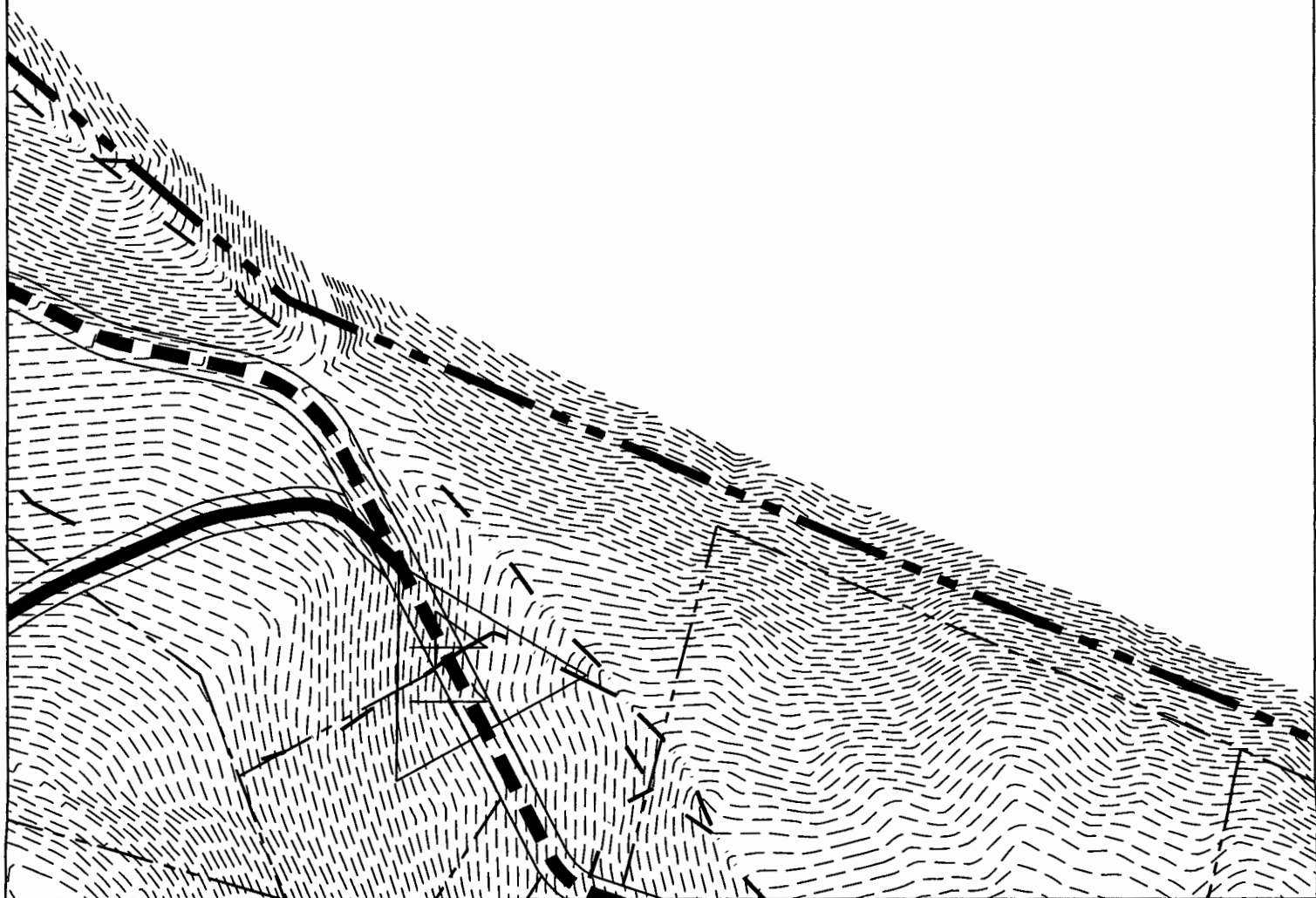
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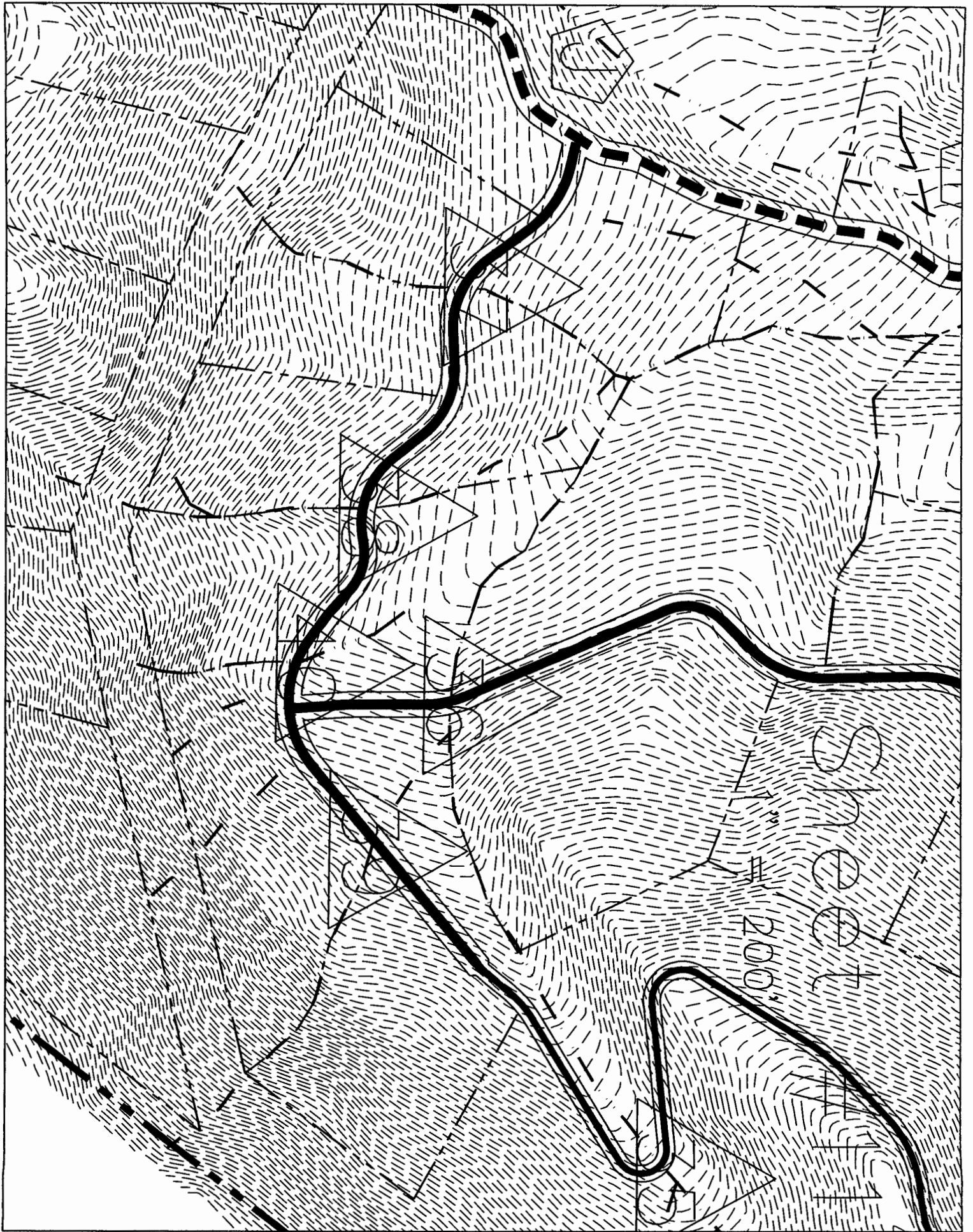
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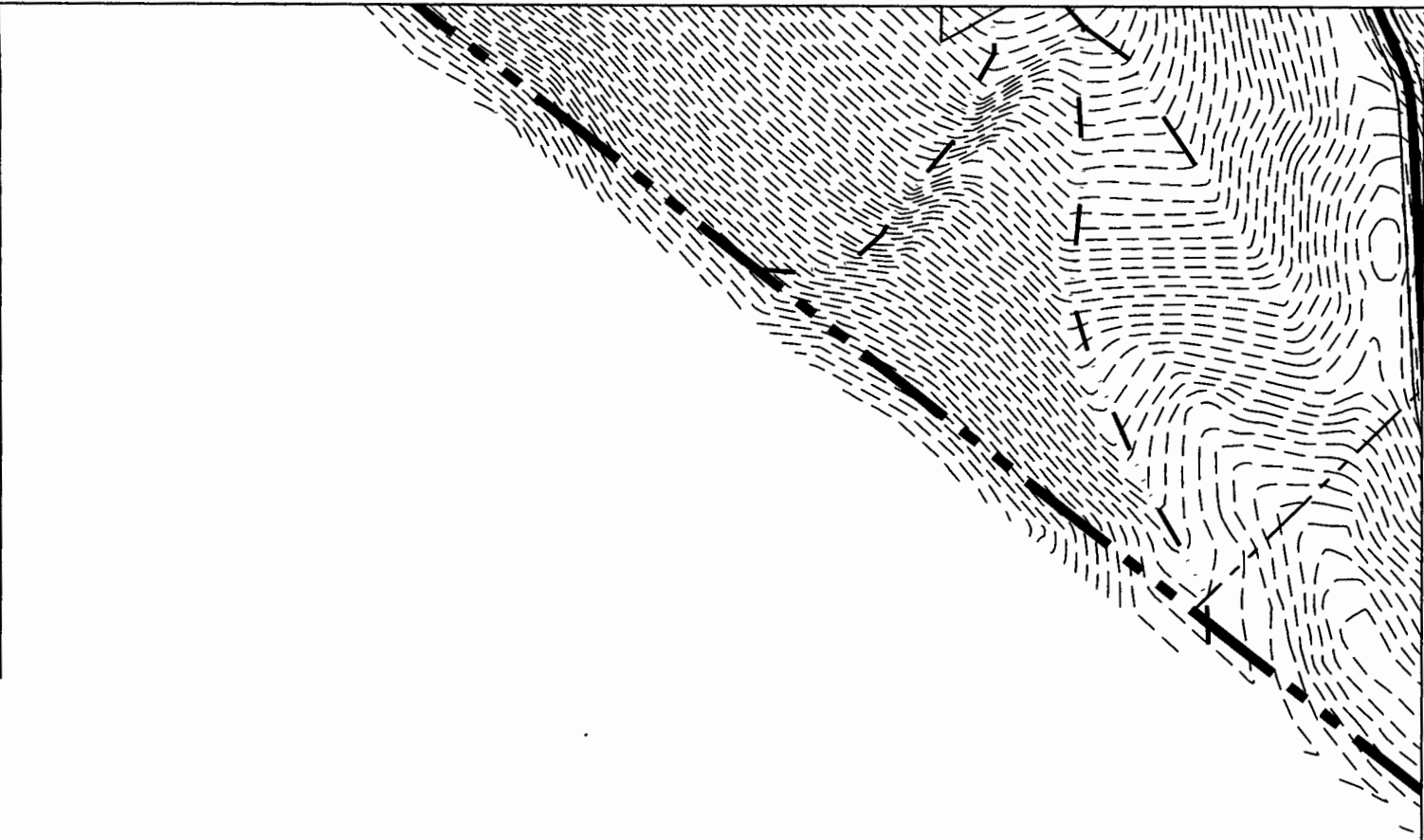
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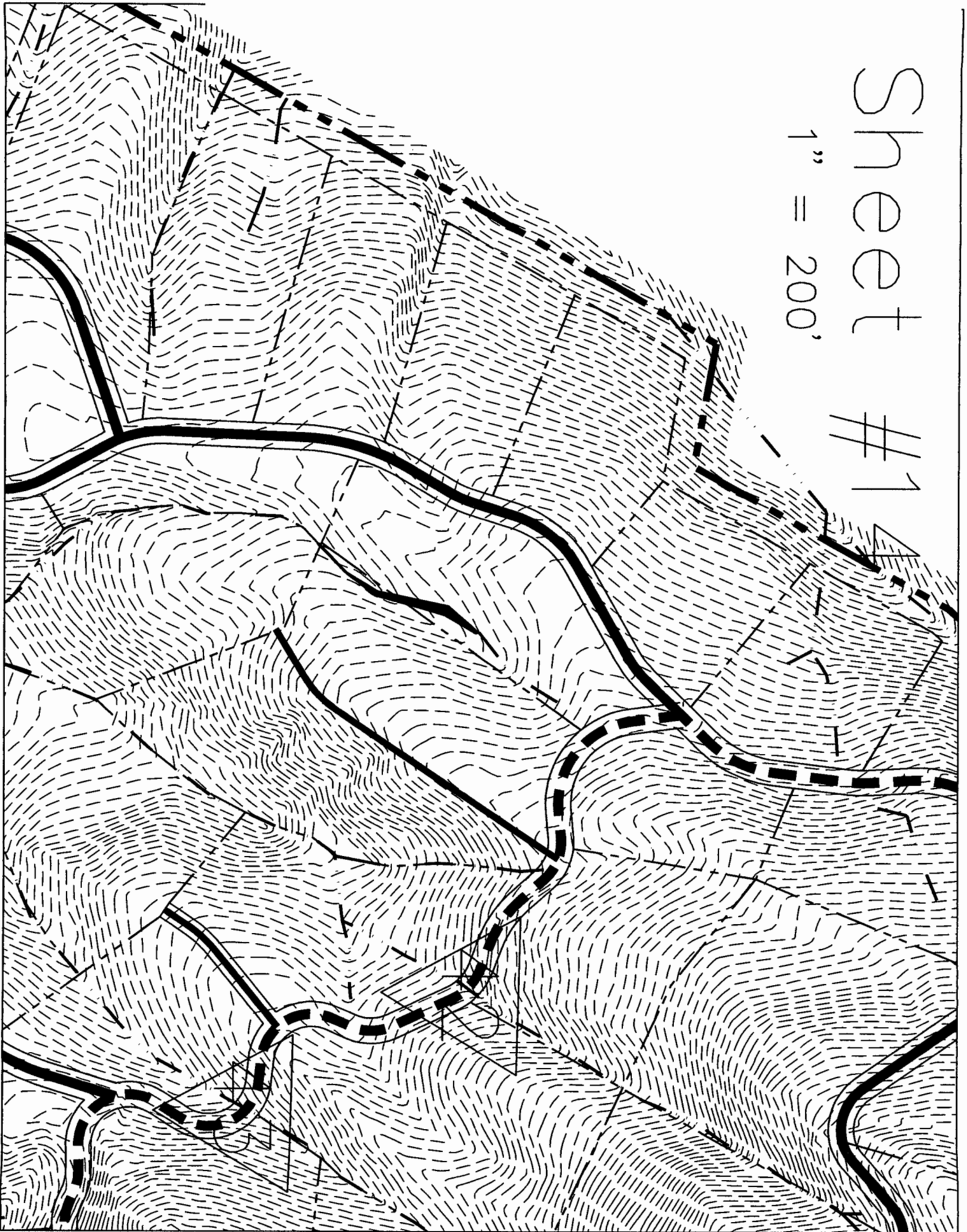
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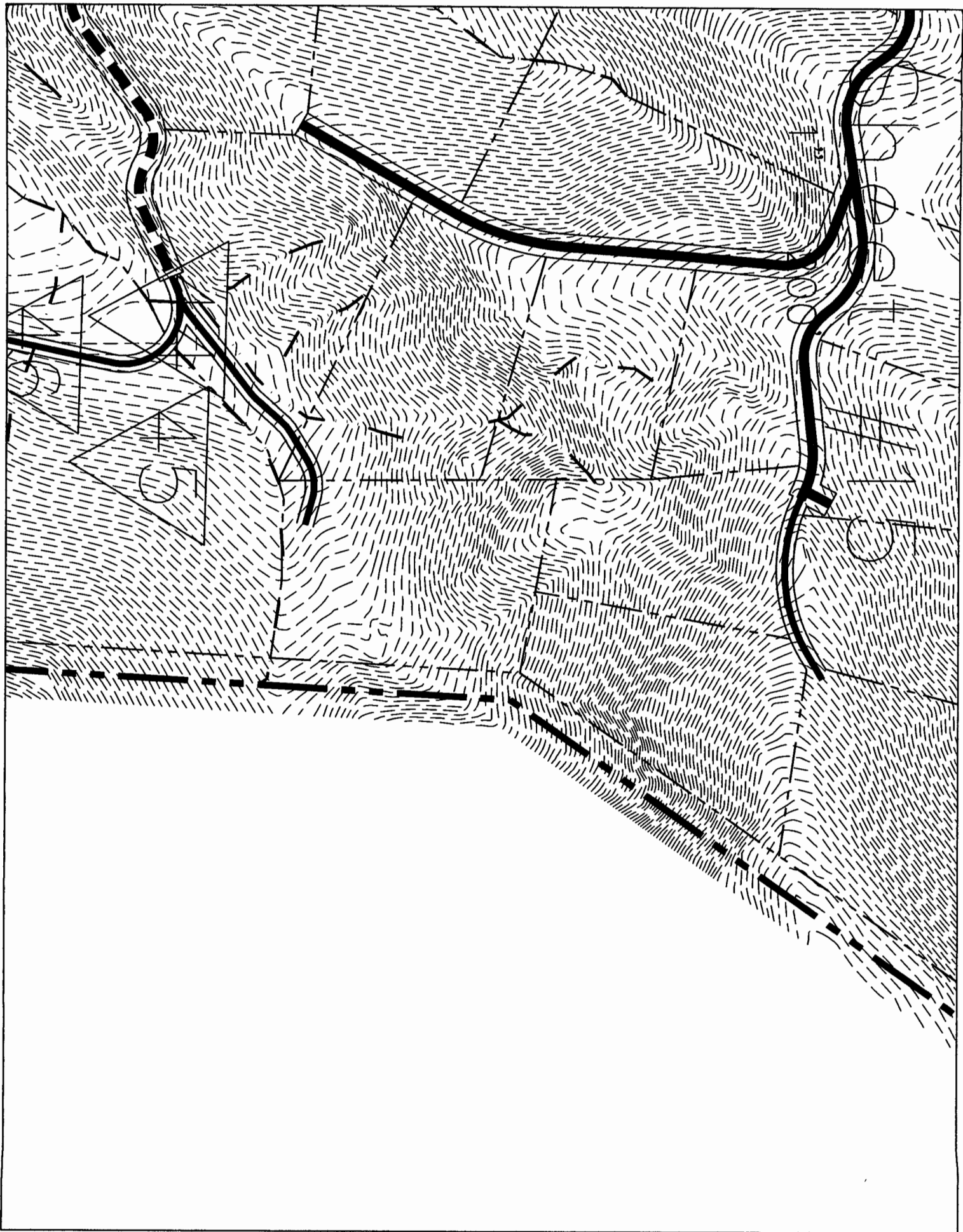
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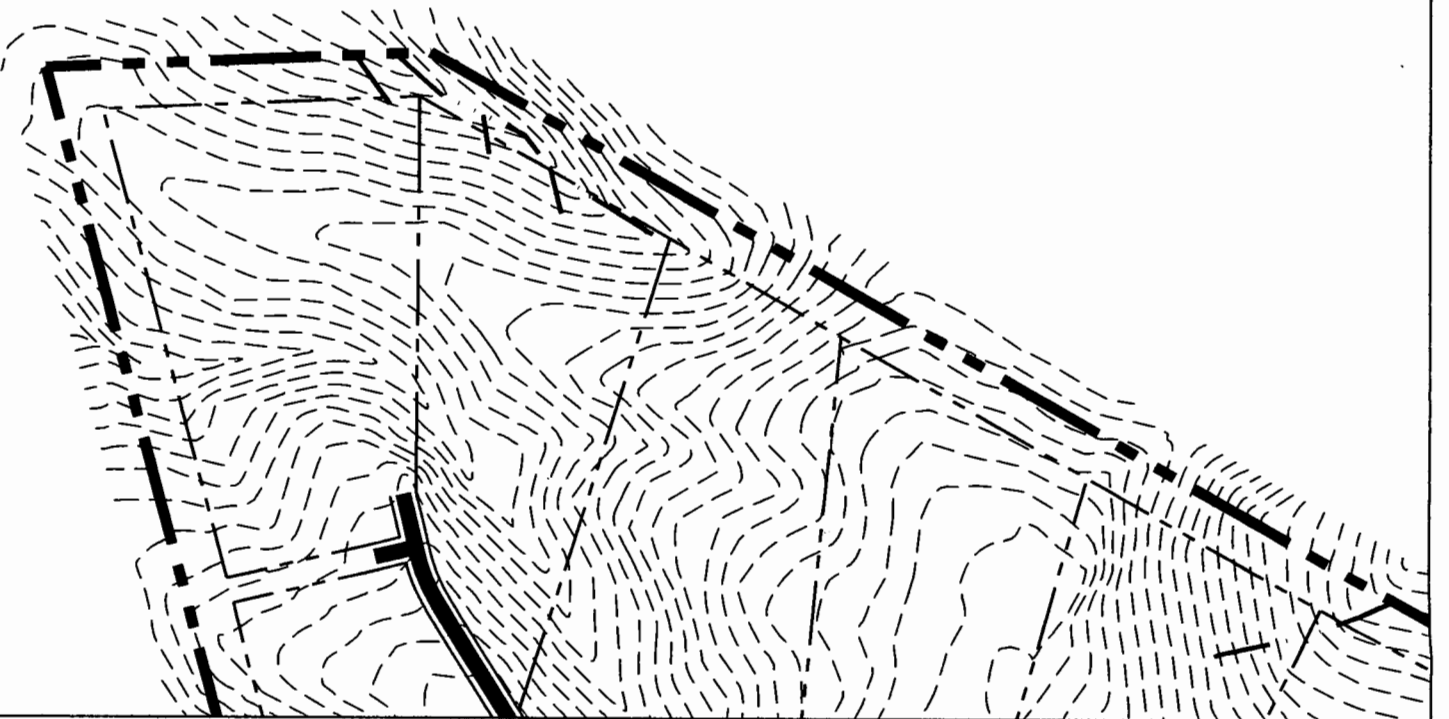
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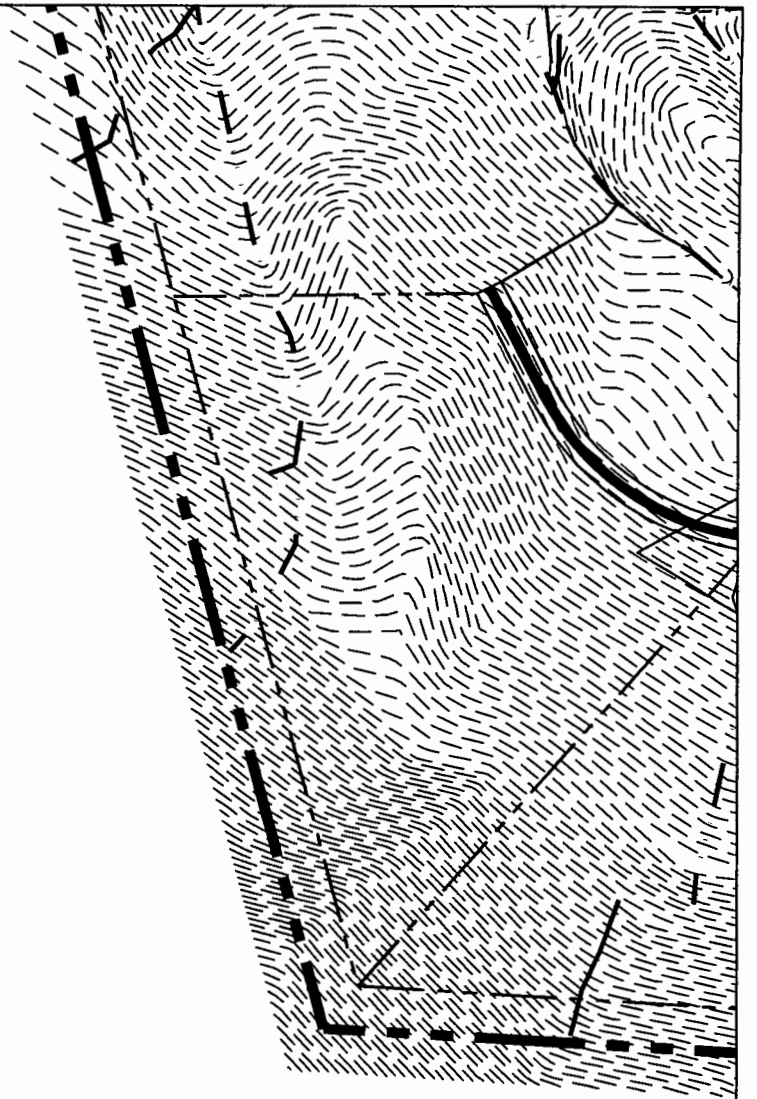
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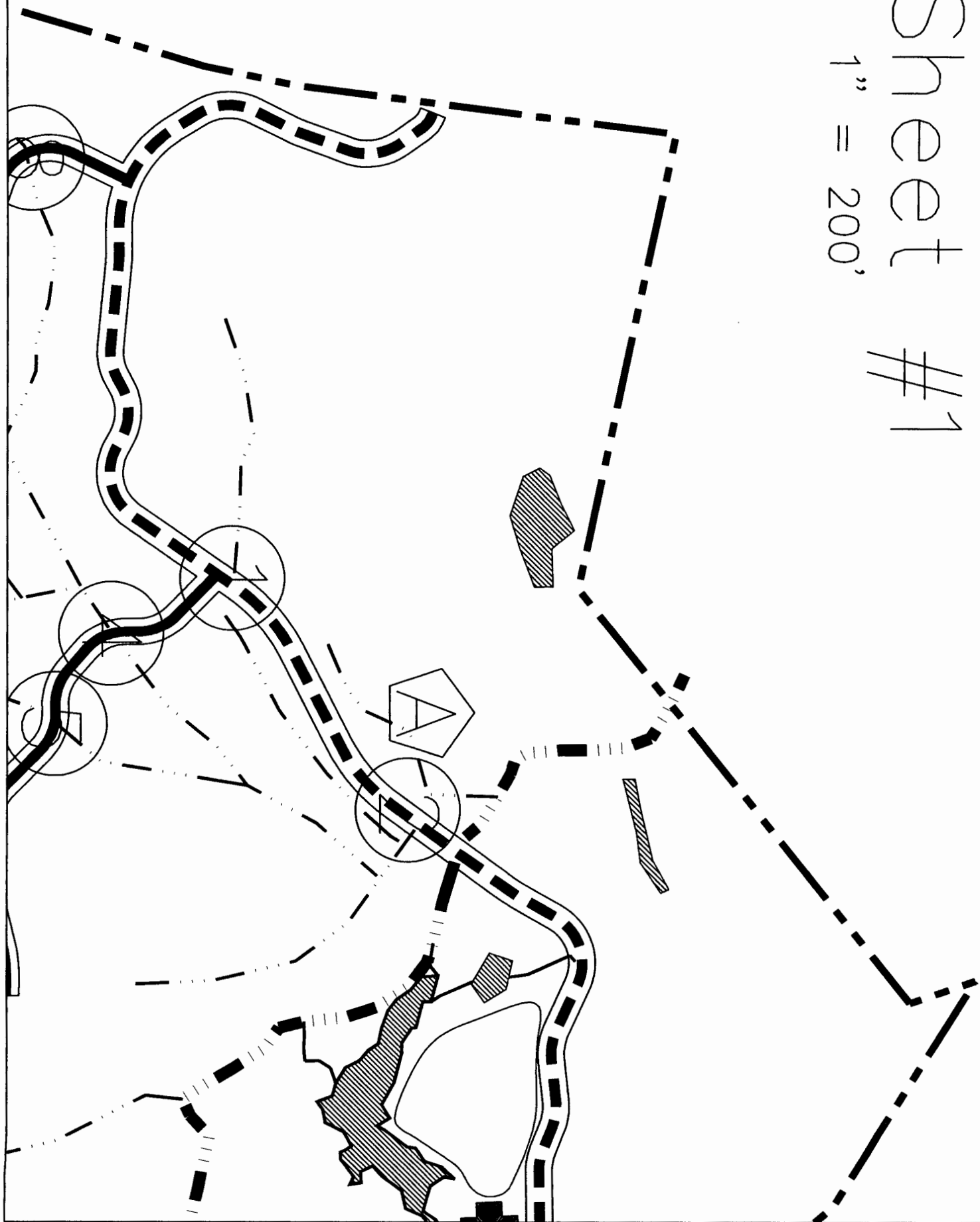


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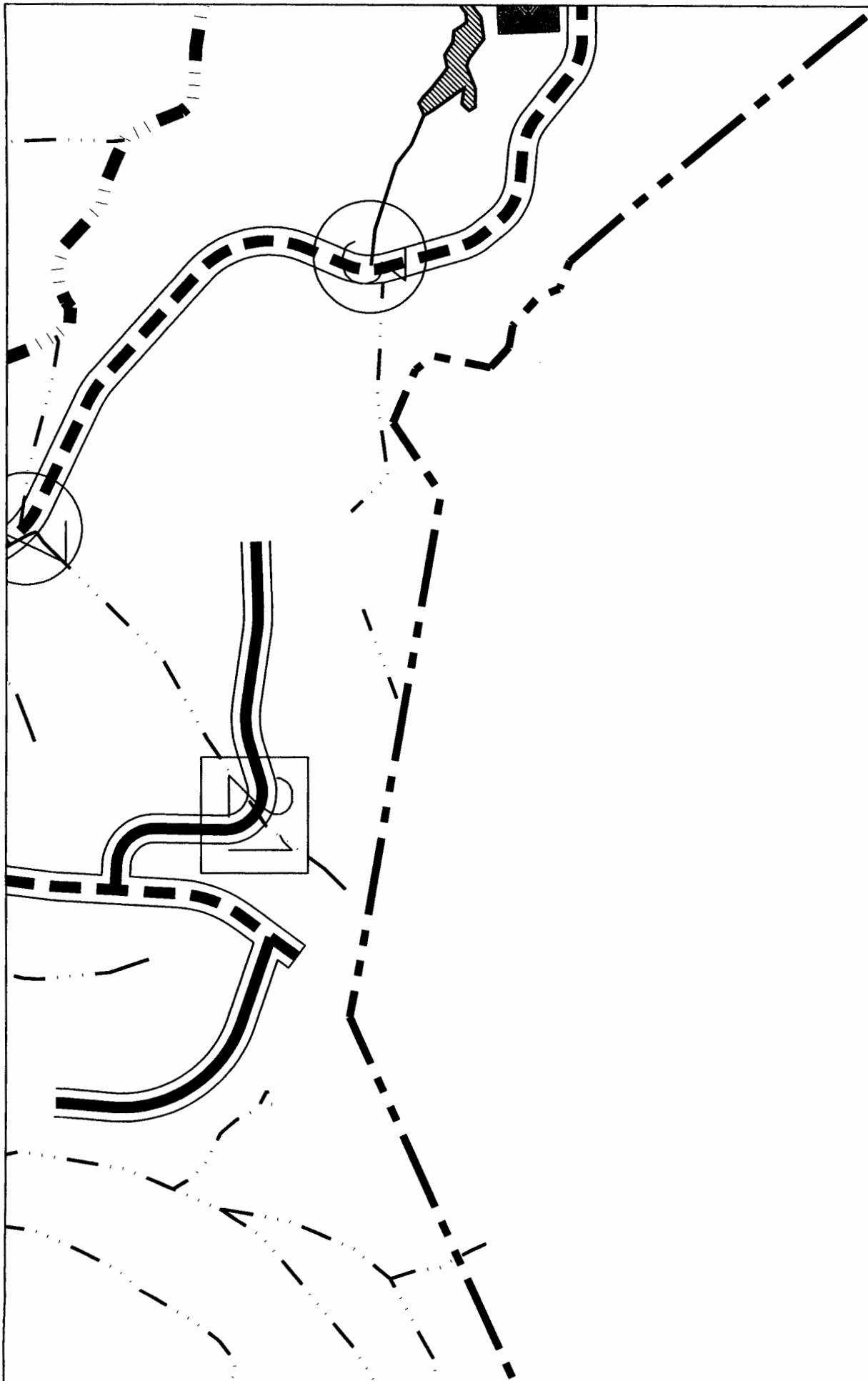
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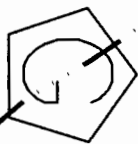
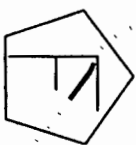
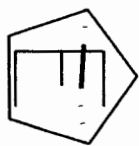
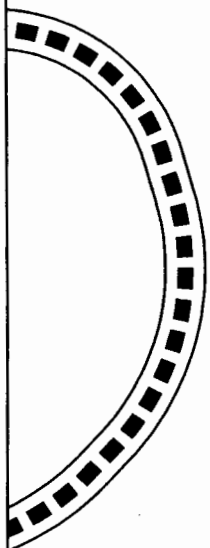
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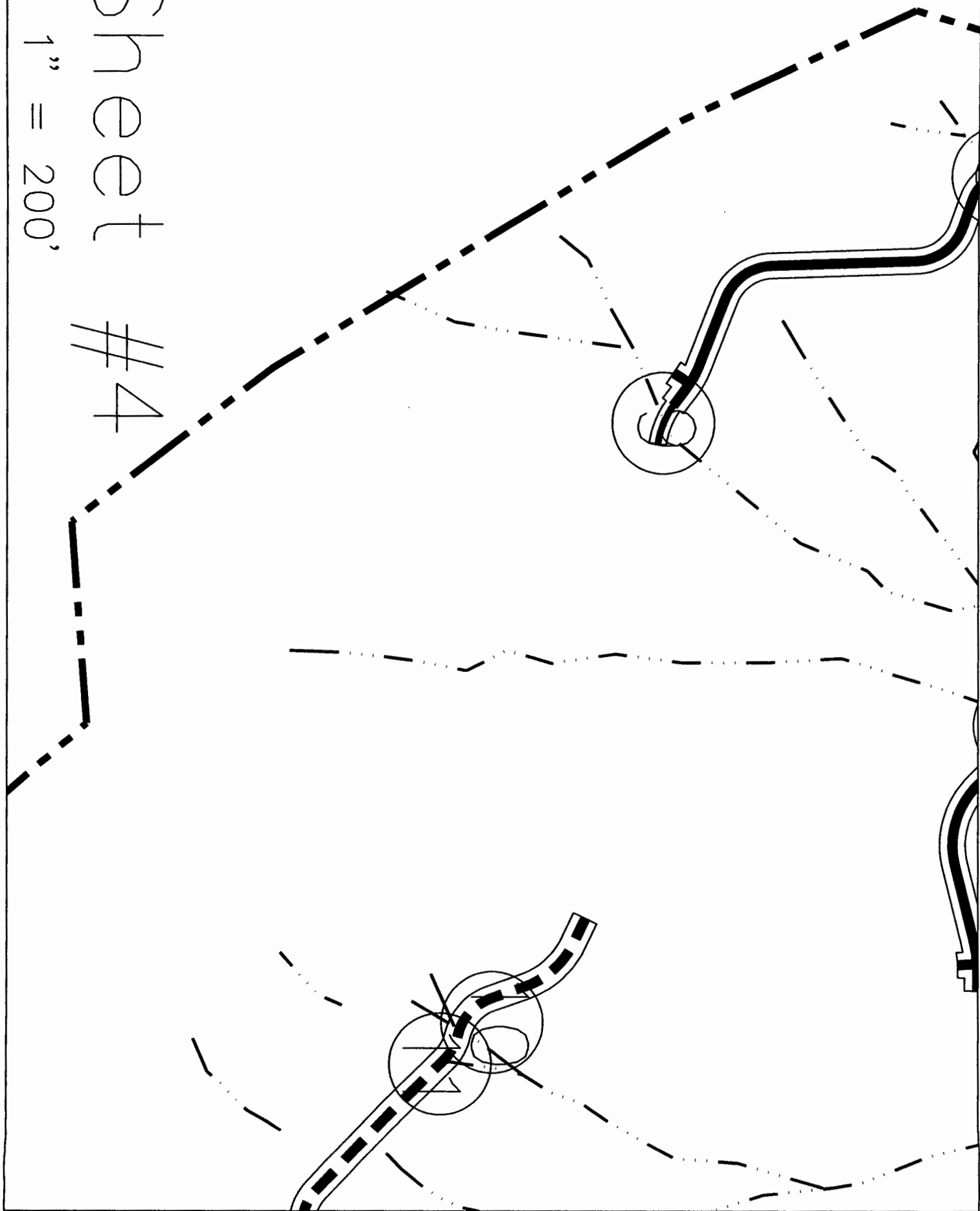
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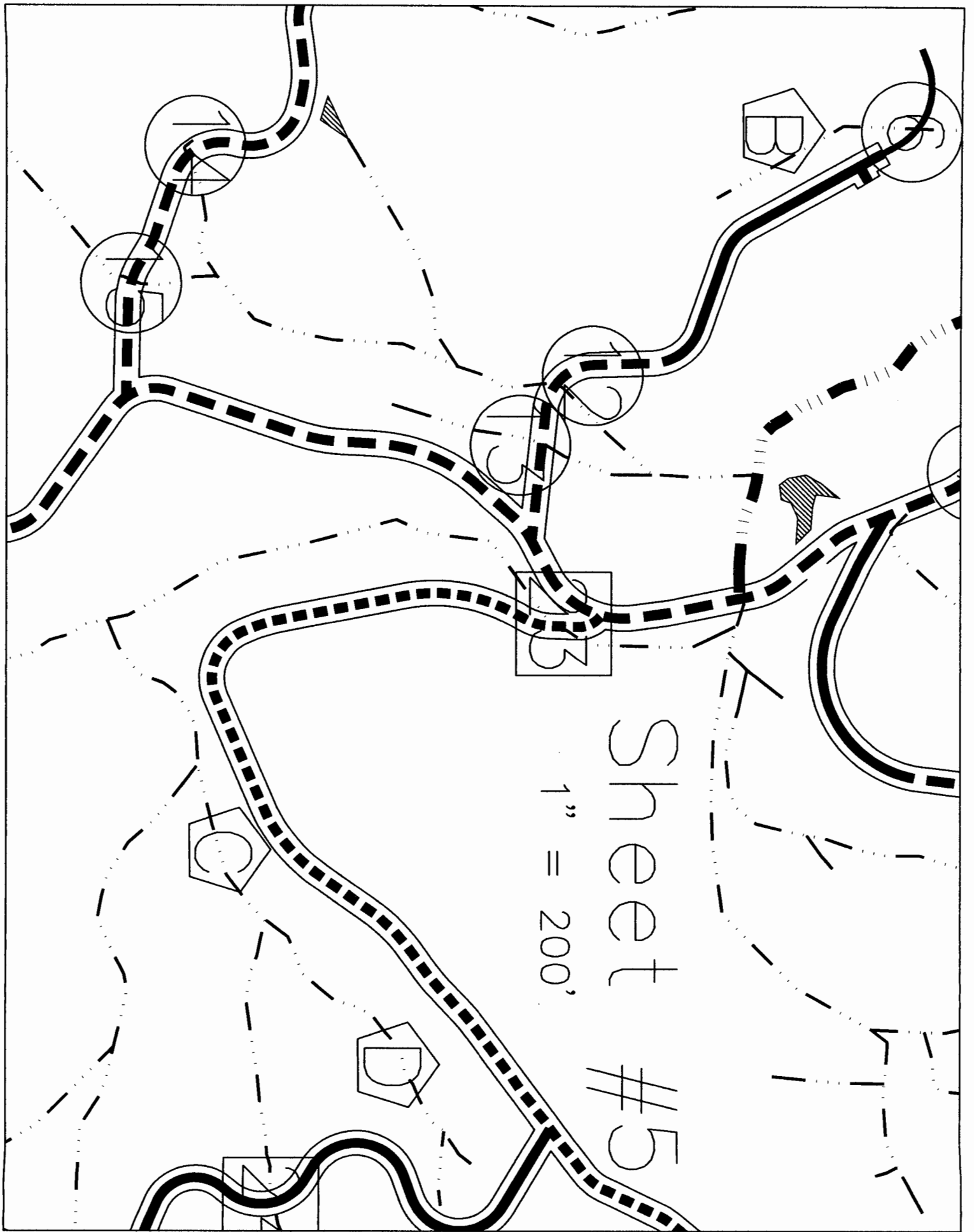


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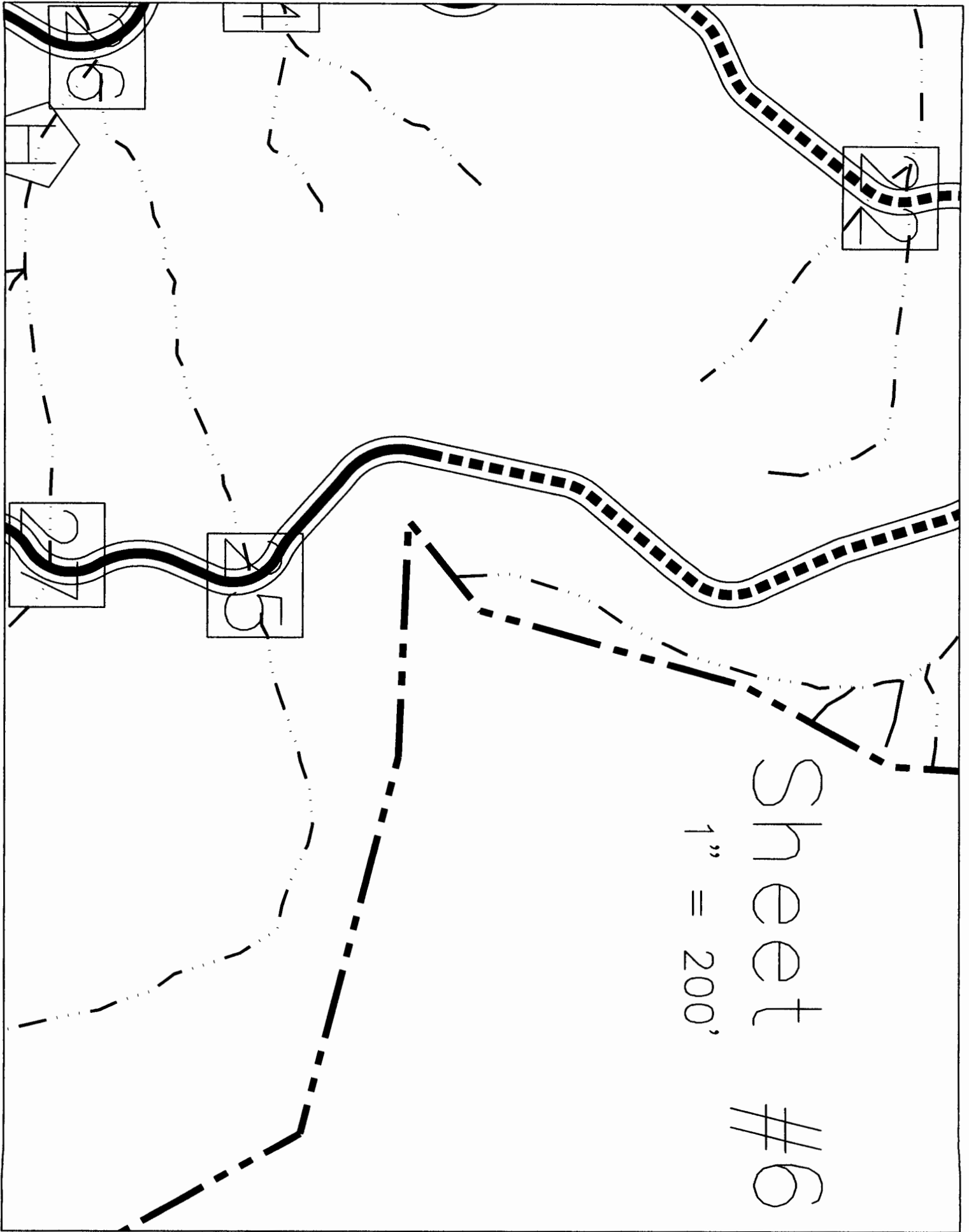
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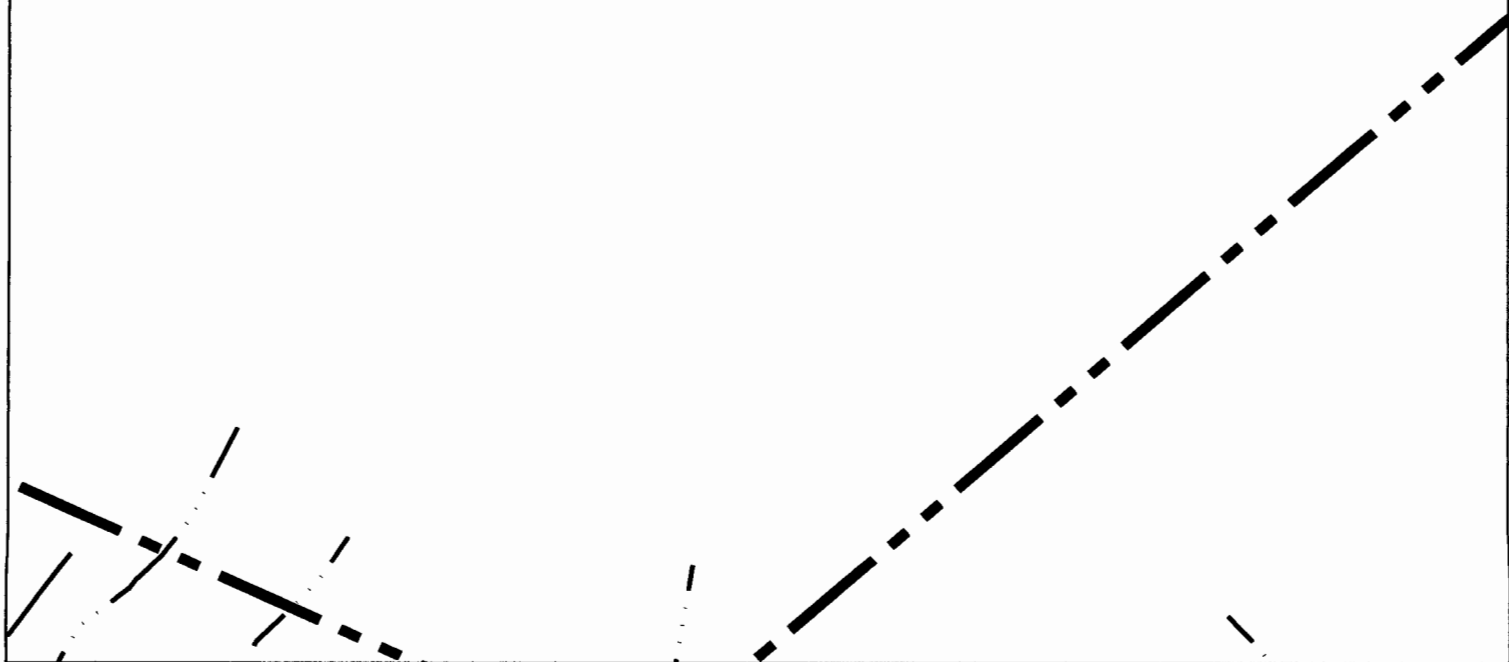


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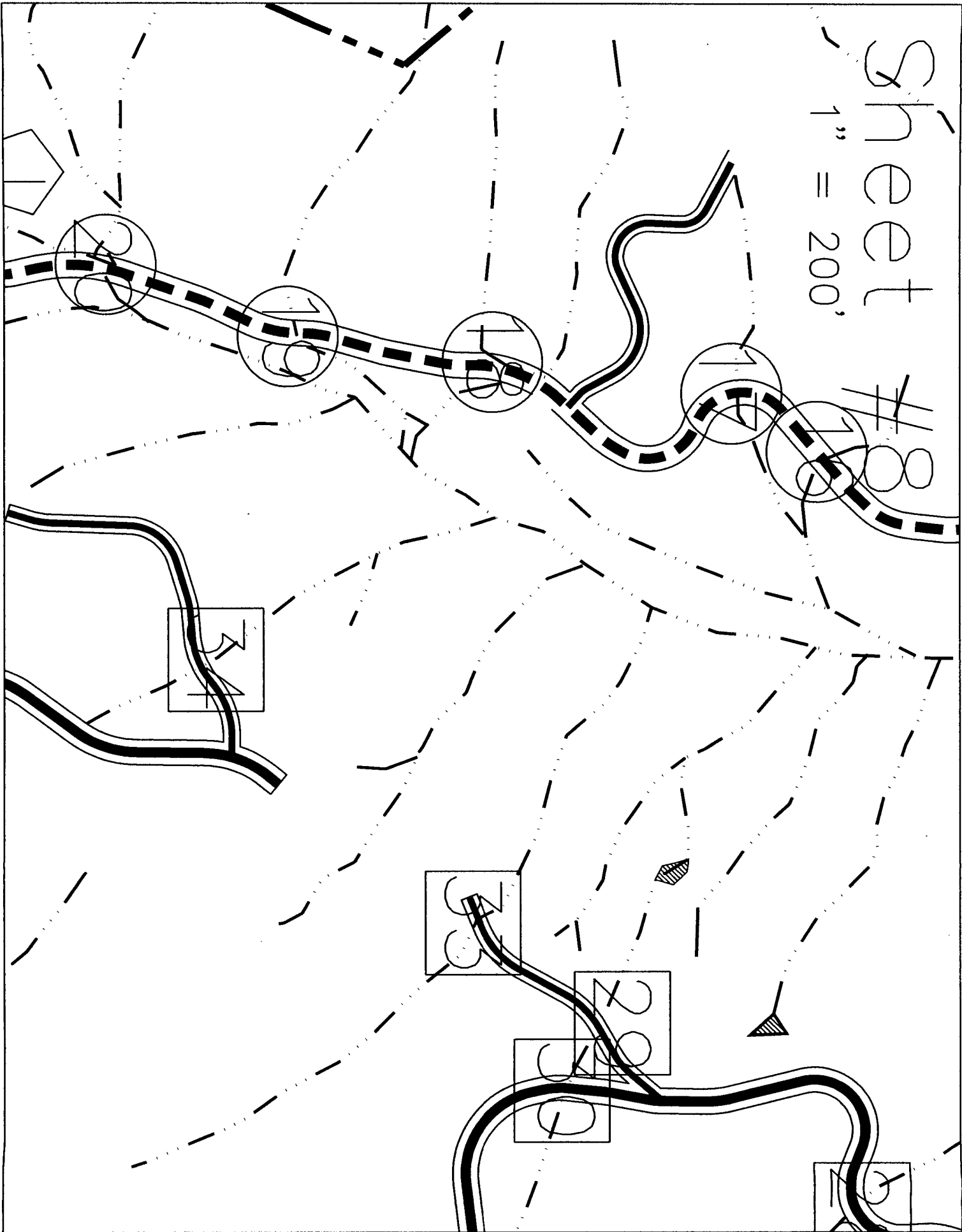
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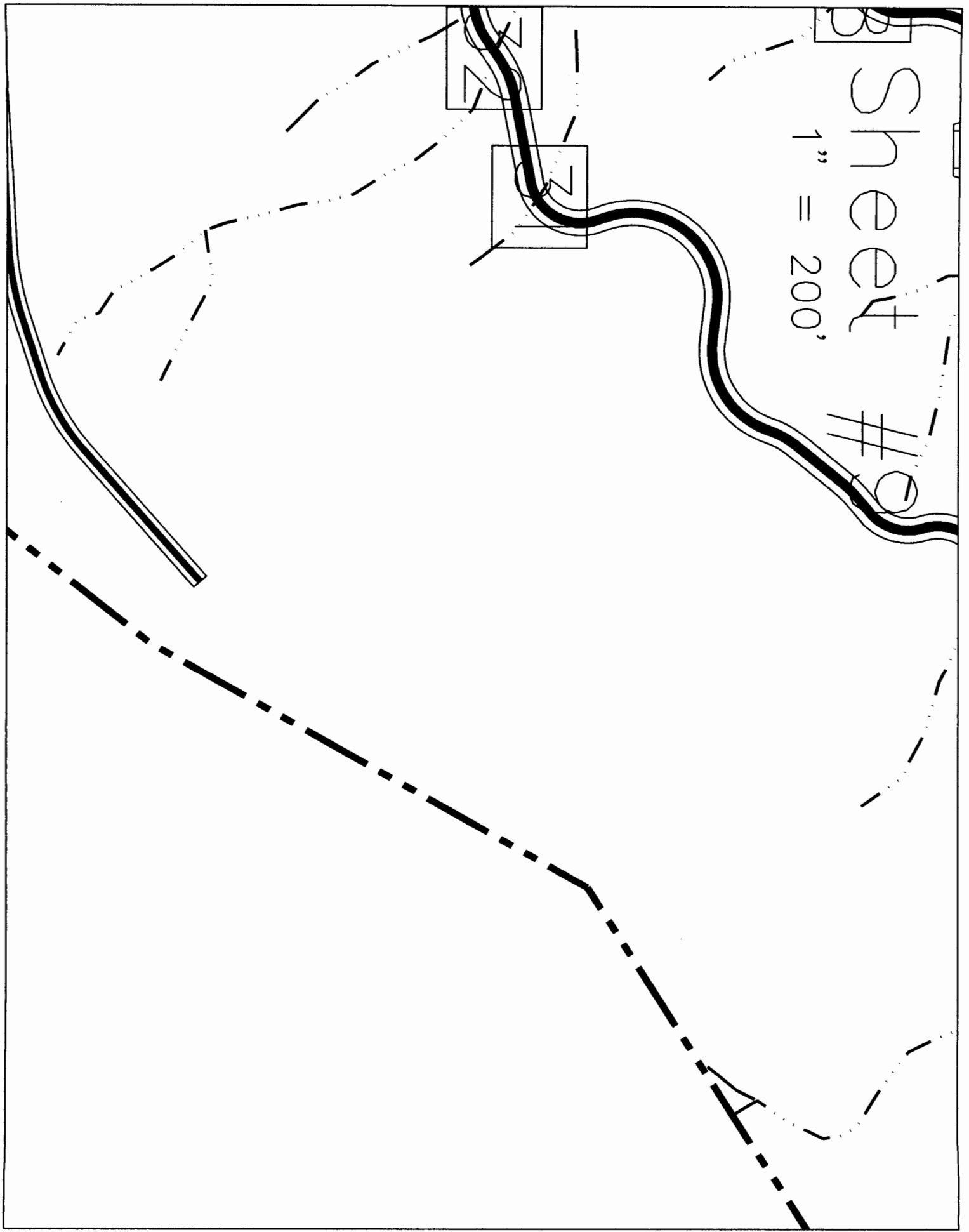


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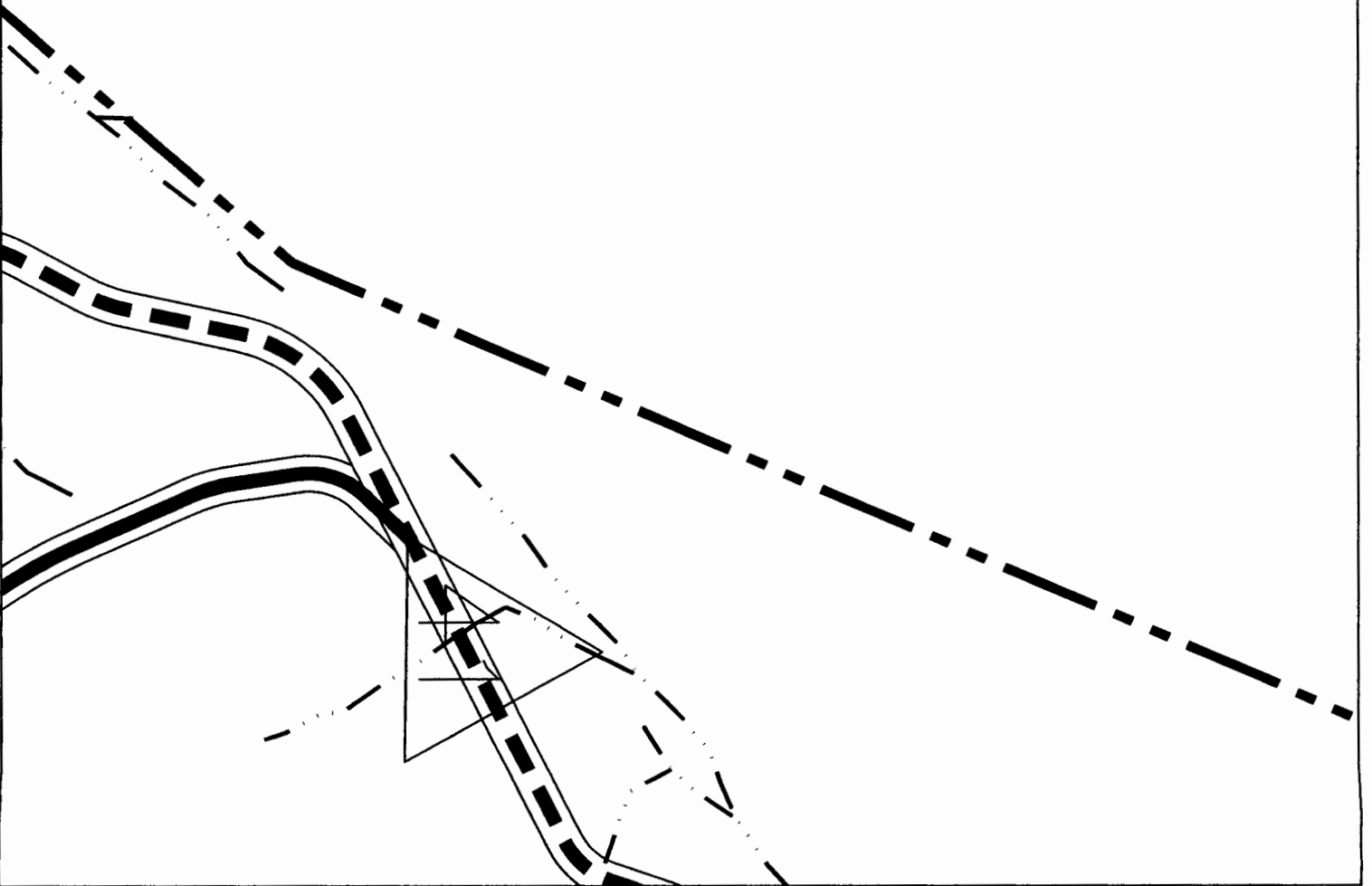
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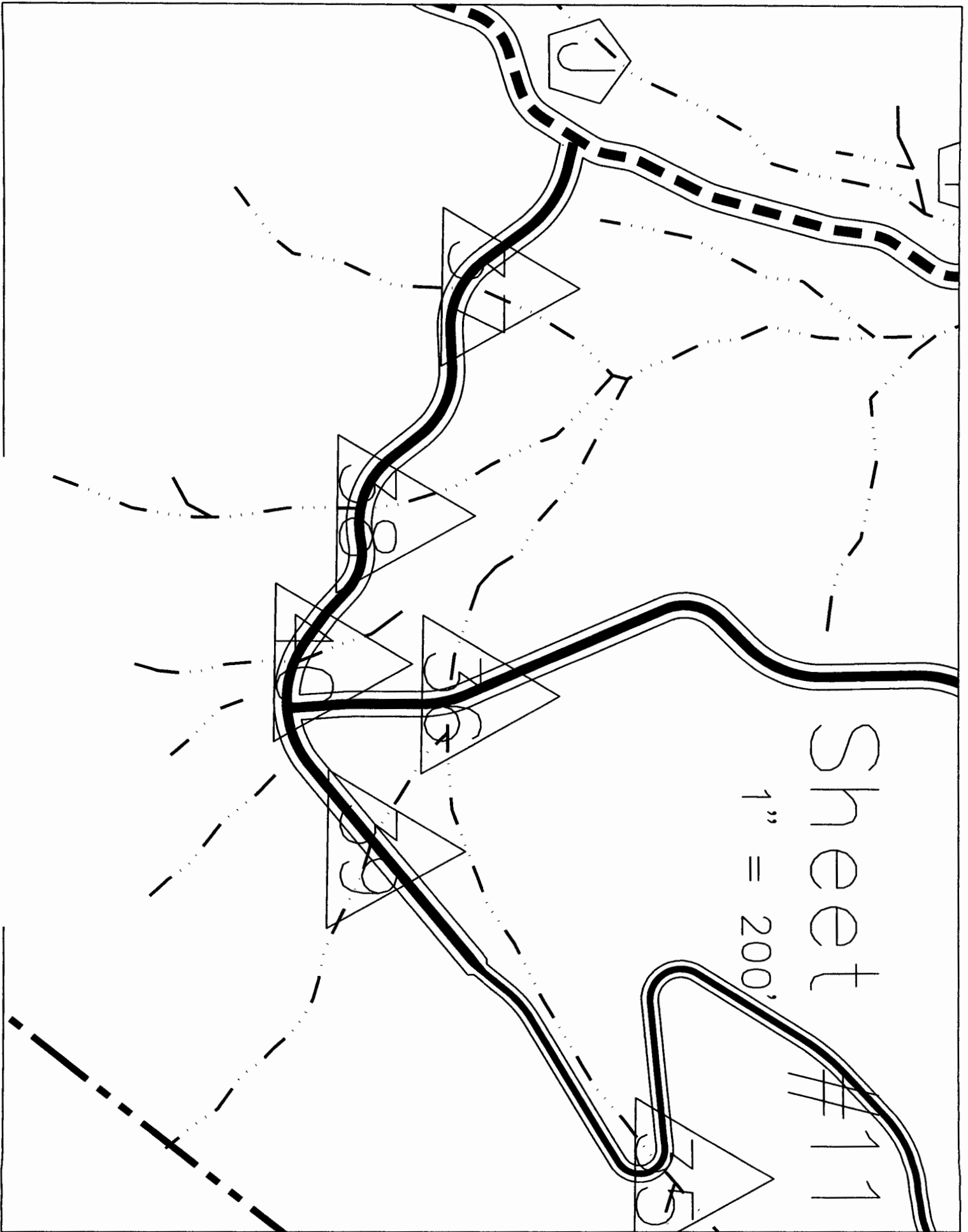
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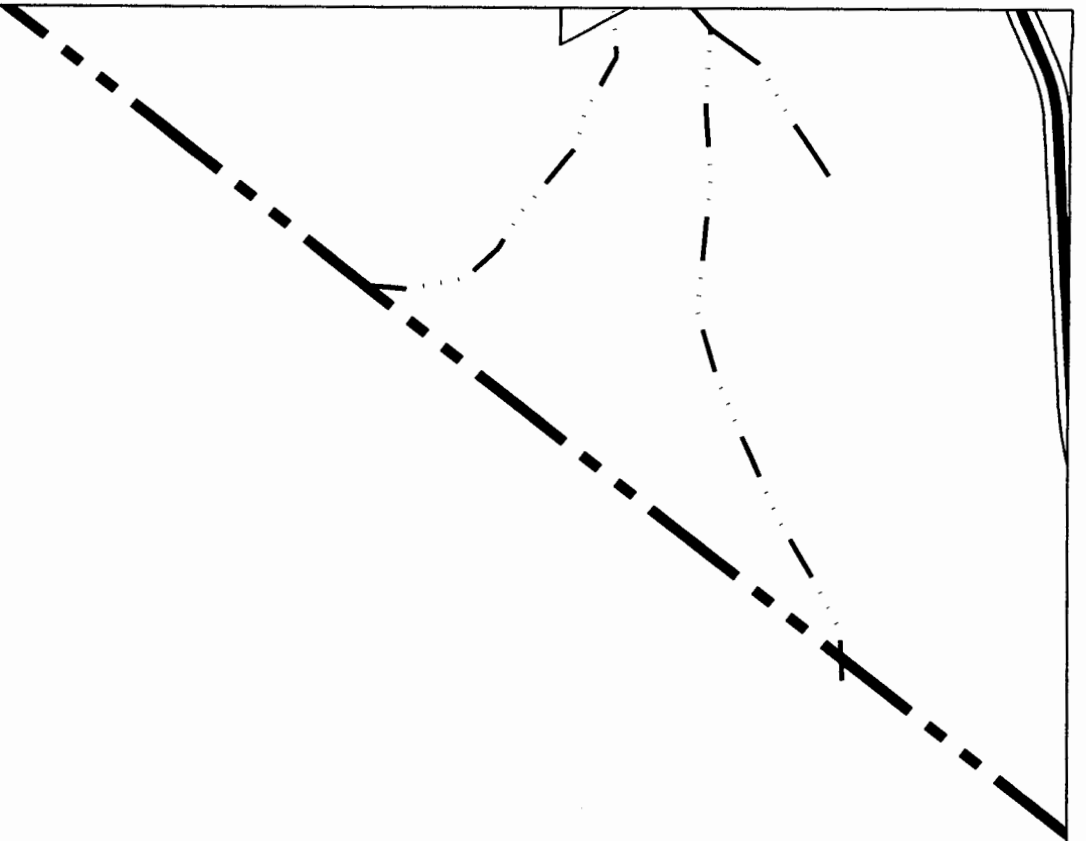
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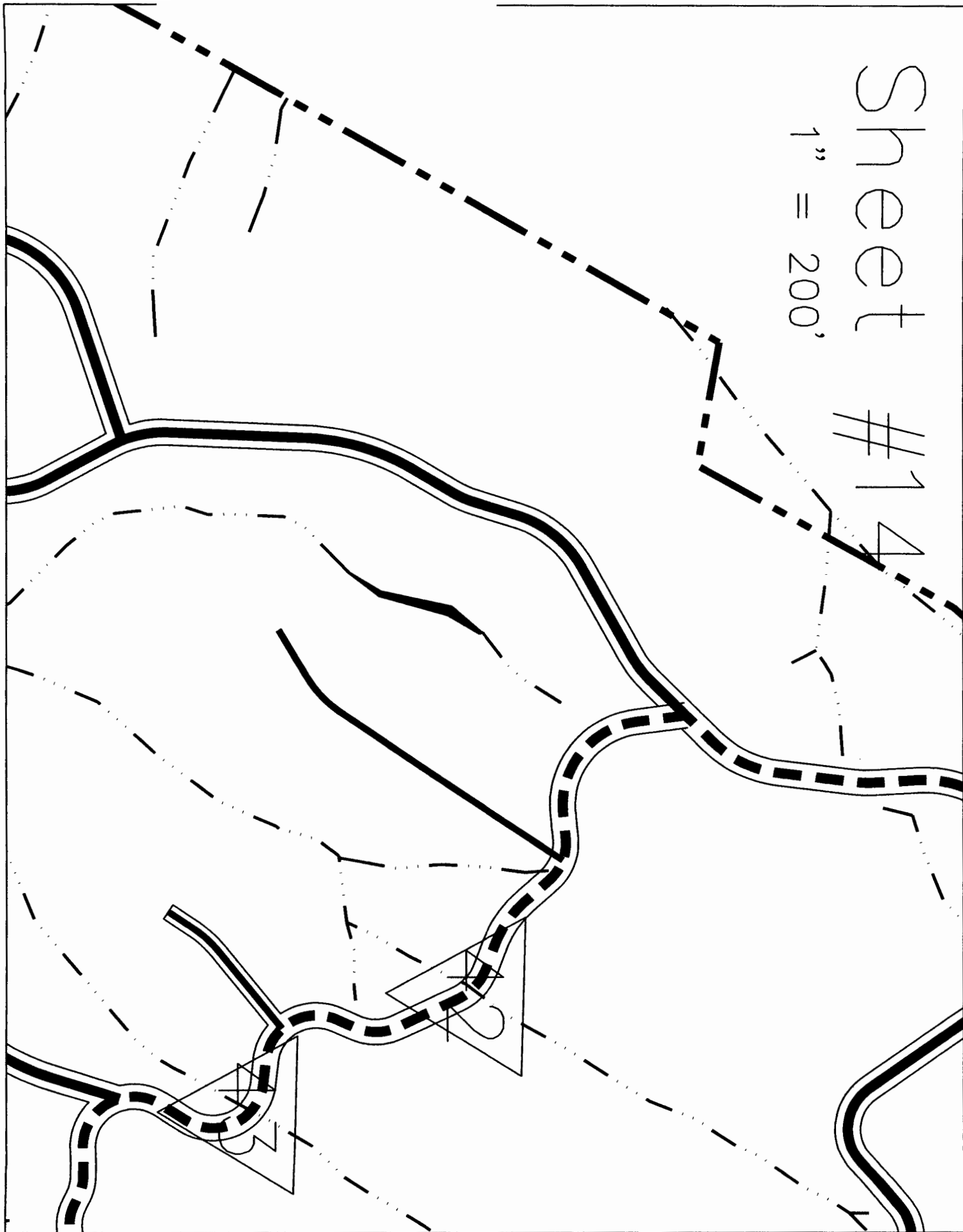
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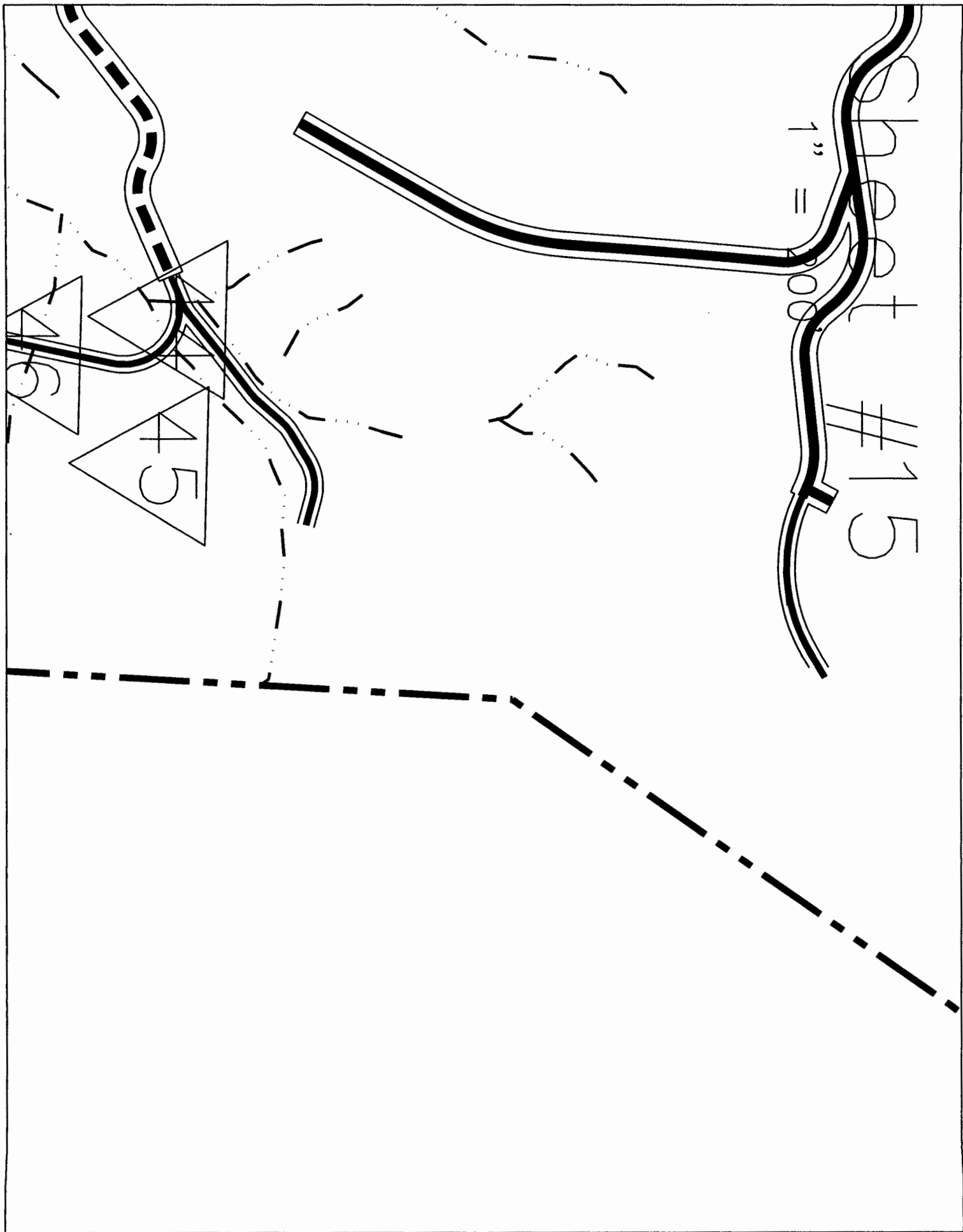
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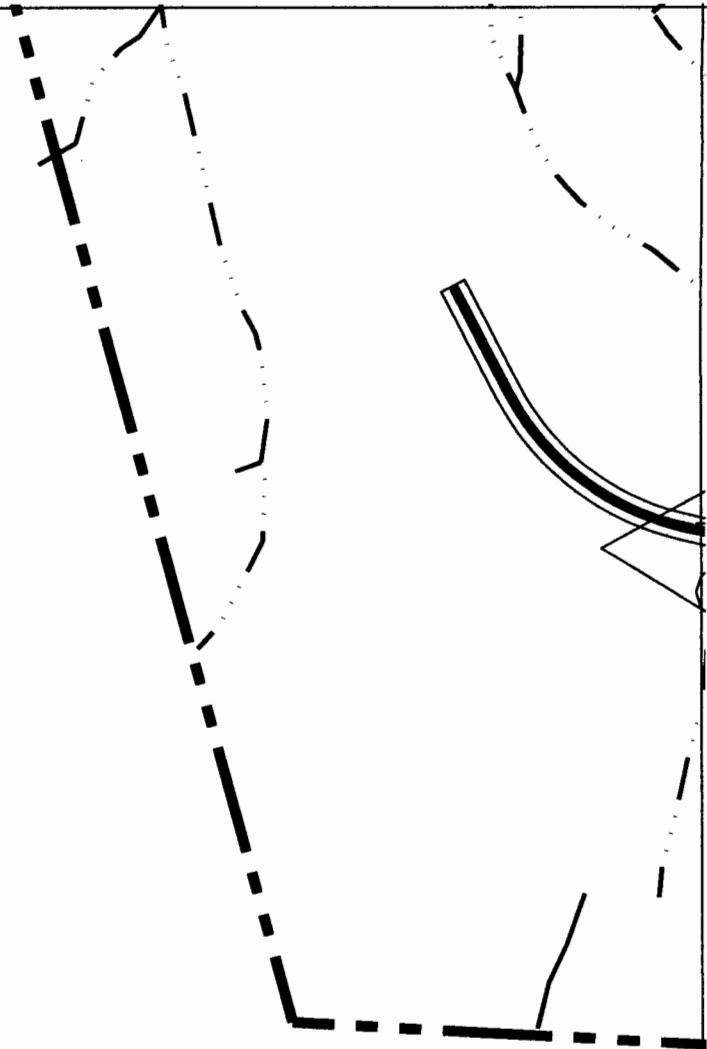
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